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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES

ILLINOIS DOCUMENTS

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ILLINOIS REGISTER

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- Issue 16 - April 14, 2000: Data Through March 31, 2000
- Issue 29 - July 14, 2000: Data Through June 30, 2000
- Issue 42 - October 13, 2000: Data Through September 30, 2000
- Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
Issue 14	March 20	March 31	Issue 41	September 25	October 6
Issue 15	March 27	April 7	Issue 42	October 2	October 13
Issue 16	April 3	April 14	Issue 44	October 10*	October 20
Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27 **
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

1) Heading of the Part: Disclosure of Confidential Supervisory Information2) Code Citation: 38 Ill. Adm. Code 3253) Section Number:

325.10	Proposed Action:
325.20	New Section
325.30	New Section
325.40	New Section
325.50	New Section
325.60	New Section
325.70	New Section
325.80	New Section

4) Statutory Authority: Implementing and authorized by Section 48.3 of the Illinois Banking Act [205 ILCS 5/48.3].

5) A complete description of the subjects and issues involved: Public Act 91-201 added the definition of the term "confidential supervisory information" to include the following information contained in any report of an examination, visitation or investigation prepared by the Commissioner and any summary containing examination information. The Act also sets forth procedures for sharing such information. The purpose of the rule is to clarify those procedures and what types of information may be disclosed with proper consent.

6) Will this proposed rule replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rule contain incorporations by reference? No

9) Are there any other proposed rule pending to this Part? No

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties should provide written or e-mail comments or views concerning the proposed rulemaking to the attention of:

Michael D. Morehead
 Chief Counsel
 Bureau of Banks and Trust Companies
 Office of Banks and Real Estate
 500 East Monroe
 Springfield, Illinois 62701

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

Telephone: (217) 872-6167

Fax: (217) 524-5941

Morehead@bce.state.il.us

or

Christopher Siebel
 Legislative Liaison
 Office of Banks and Real Estate
 500 East Monroe
 Springfield, Illinois 62701
 Telephone: (217) 782-6167
 Fax: (217) 524-5941
Csiebel@bce.state.il.us

The agency will consider all written comments it receives in writing within 45 days of the date of publication of this *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: The rulemaking applies to State chartered banks, trust companies, and foreign banking offices regulated by the Office of Banks and Real Estate.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The issue addressed by the rulemaking had not been finalized as of the date of publication of the most recent Agenda.

The full text of the Proposed Rule begins on the next page.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER 11: OFFICE OF BANKS AND REAL ESTATE

PART 325

DISCLOSURE OF CONFIDENTIAL SUPERVISORY INFORMATION

Section

325.10 Definitions

325.20 Purpose and Scope

325.30 Requests for Confidential Supervisory Information

325.40 Where to Submit a Request

325.50 Consideration of Requests

325.60 Disclosure of Confidential Supervisory Information

325.70 Retrieval and Destruction of Previously Disclosed

325.80 Supervisory Information Used in Previous Litigation

325.80 Fees for Services

AUTHORITY: Implementing and authorized by Section 48.3 of the Illinois Banking Act [205 ILCS 5/48.3].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 325.10 Definitions

For purposes of this Part:

"Act" means the Illinois Banking Act [205 ILCS 5].

"Commissioner" means the Commissioner of Banks and Real Estate, or a person authorized by the Commissioner to act in the Commissioner's stead.

"Compelling need" means that no other non-confidential source is available to obtain information of equal relevance.

"Complete request" means a request that provides all of the information required in Section 325.30 of this Part.

"Confidential supervisory information" shall have the same meaning ascribed to that term in Section 48.3 of the Act [205 ILCS 5/48.3].

"Person" shall have the same meaning ascribed to that term in Section 2 of the Act [205 ILCS 5/2].

"Relevant" means the requested confidential supervisory information could substantially contribute to the resolution of the issues

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

identified in the pleadings contained within the request.

"Requester" means any person who makes a request for the discovery or disclosure of confidential supervisory information, whether by subpoena, order, or other judicial or administrative process.

Section 325.20 Purpose and Scope

a) Purpose. The purpose of this Part is to establish the procedures and standards by which the Commissioner shall determine whether to disclose confidential supervisory information in response to a request for discovery or disclosure of such information.

b) Scope. This Part applies to requests, whether by subpoena, order, or other judicial or administrative process, for discovery or disclosure of confidential supervisory information prepared or obtained by the Commissioner under the Act, the Electronic Fund Transfer Act, the Corporate Fiduciary Act, the Illinois Bank Holding Company Act of 1957, the Foreign Banking Office Act and any report of examination, visitation or investigation prepared by the state regulatory authority of another state that examines a branch of an Illinois bank in that state. This Part does not apply to:

- 1) a request made pursuant to the Freedom of Information Act [5 ILCS 1401 (FOIA)], provided that, if the information requested constitutes confidential supervisory information, it shall nonetheless be exempt from disclosure pursuant to Section 7(1)(x) of FOIA;
- 2) a request made by a party to whom the Commissioner may furnish confidential supervisory information as permitted in Section 48.3 of the Act [205 ILCS 5/48.3]; or
- 3) a request made by a party to whom a bank or other financial institution may furnish confidential supervisory information as permitted in Section 48.3(b) of the Act [205 ILCS 5/48.3].

Section 325.30 Requests for Confidential Supervisory Information

Pursuant to Section 48.3 of the Act [205 ILCS 5/48.3], a request for confidential supervisory information arising from an adversarial matter, whether by subpoena, order, or other judicial or administrative process, shall be made to the Commissioner. If the request is for a record, the requestor must adequately describe the records sought by type and date. Such request shall be accompanied by:

- a) a copy of the formal complaint or pleading setting forth the assertions of the adversarial matter;
- b) the caption and docket number assigned to the adversarial proceeding;
- c) the name, address, and telephone number of designated legal counsel to each party named in the adversarial proceeding;
- d) a statement detailing the relevance of the requested confidential supervisory information;

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NOTICE OF PROPOSED RULE

- e) a statement detailing a compelling need for the requested confidential supervisory information;
- f) a statement describing any prior judicial decisions or pending motions in the case that may bear on the asserted relevance of the requested information; and
- g) a statement detailing why the requester believes that the compelling need outweighs the public interest considerations in maintaining confidentiality and why the compelling need outweighs the burden on the Office of Banks and Real Estate to produce the requested confidential supervisory information.

Section 325.40 Where to Submit a Request

A person requesting discovery or disclosure of confidential supervisory information under this Part shall mail, or hand deliver, the request to:

Office of Banks and Real Estate
Bureau of Banks and Trust Companies
500 East Monroe Street
Springfield, Illinois 62701-1509
Attention: Legal Section

Section 325.50 Consideration of Requests

- a) Standards for the Disclosure of Confidential Supervisory Information. When making a determination with respect to the disclosure of confidential supervisory information, the Commissioner shall consider the following standards:

- 1) the confidential supervisory information identified in the request is relevant;
- 2) a compelling need exists;
- 3) if the requested confidential supervisory information is to be used in connection with an adversarial matter, the lawsuit or administrative action has been filed; and
- 4) the production and disclosure of the confidential supervisory information is not unduly burdensome to the Office of Banks and Real Estate.

In determining whether to disclose the requested confidential supervisory information, the Commissioner may inquire into the circumstances of any case underlying the request and rely on sources of information other than the requester, including other parties.

- b) Time Required by the Commissioner to Respond. The Commissioner, within 15 days, shall determine whether to disclose the requested confidential supervisory information. The 15-day time period shall not commence until the Commissioner receives a complete request. If the request is not complete, the Commissioner shall notify the requester of the required information that has not previously been provided.
- c) Notice to Other Parties. Following receipt of a complete request for

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

confidential supervisory information, the Commissioner may notify the state bank, the electronic fund transfer network or switch, the corporate fiduciary, the Illinois bank holding company or the foreign banking office that is the subject of the requested information, unless the Commissioner determines that to do would advantage or prejudice any of the parties in the matter at issue.

Section 325.60 Disclosure of Confidential Supervisory Information

- a) Conditions and Limitations. The Commissioner may impose any conditions and limitations on the disclosure of confidential supervisory information that are necessary to protect the confidentiality of such information. Except as authorized by the Commissioner, no person obtaining access to confidential supervisory information under this Part may make a copy of the confidential supervisory information.

Restrictions on Dissemination of Confidential Supervisory Information. The Commissioner may condition a decision to disclose confidential supervisory information on entry of a protective order by the court or administrative tribunal presiding in the particular case or on a written agreement of confidentiality. In a case in which a protective order or agreement has already been entered between parties other than the Commissioner, the Commissioner may nevertheless condition approval for release of confidential supervisory information upon the inclusion of additional or amended provisions in the protective order. The Commissioner may authorize a party who obtained the records for use in one case to provide them to another party in another case, subject to any conditions that the Commissioner may impose on either or both parties.

- b) Notification of Parties and Procedures for Sharing and Using Confidential Supervisory Information in Litigation. The requester shall promptly notify other parties to a case of the release of confidential supervisory information obtained pursuant to this Part and, upon entry of a protective order, shall provide copies of confidential supervisory information to the other parties.

Section 325.70 Retrieval and Destruction of Previously Disclosed Confidential Supervisory Information Used in Litigation

At the conclusion of an action:

- a) the requester shall retrieve the disclosed confidential supervisory information from the judicial or administrative file as soon as the presiding judicial or administrative authority no longer requires the information;
- b) the requester, and each party who may have subsequently received confidential supervisory information pursuant to a protective order, shall destroy the disclosed confidential supervisory information covered by the protective order; and

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

c) each party shall certify to the Commissioner that the disclosed confidential supervisory information covered by the protective order has been destroyed.

Section 325.80 Fees for Services

The Commissioner may charge a fee for any record search or copying performed by the Commissioner. The Commissioner may require a requester to remit payment prior to providing the requested confidential supervisory information.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Placement and Visitation Services

2) Code Citation: 89 Ill. Adm. Code 301

3) Section Numbers:
301.90

4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10/5.2]

5) A Complete Description of the Subjects and Issues Involved: Currently, relatives of child in placement are licensed as foster parents after only six hours of training; non-relatives seeking licensure are required to have more than six hours of training. This amendment deletes the paragraph requiring more training for foster parents to care for non-related children.

6) Will these proposed amendments replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff B. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-mail: cfpolicy@dcfs.state.il.us
Faxsimile: (217) 557-0692

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed amendment will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because the rulemaking was not anticipated at the time the agendas were published.

The full text of the proposed Amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

TITLE 89: SOCIAL SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 301. PLACEMENT AND VISITATION SERVICES

Section

301.1 Purpose (Renumbered)
 301.2 Definition (Repealed)
 301.3 Foster Care Placement Goal (Renumbered)
 301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section

301.10 Purpose
 301.20 Definitions
 301.30 Introduction
 301.40 Legal Authority to Place
 301.50 Emergency Placement
 301.60 Placement Selection Criteria
 301.70 Sibling Placement
 301.80 Relative Home Placement
 301.90 Foster Family Home Care
 301.100 Residential Care
 301.110 Care in a Medical/Psychiatric Facility
 301.120 Sharing Appropriate Information with the Caregiver
 301.130 Medical Examinations for Children in Placement
 301.140 Education of Children While in Placement

SUBPART B: VISITATION SERVICES

Section

301.200 Purpose
 301.210 Family-Child Visitation
 301.220 Sibling Visitation
 301.230 Contact Among Siblings Placed Apart
 301.240 Grandparents Visitation

SUBPART C: FOSTER CARE PLACEMENT GOAL

Section
 301.310 Purpose
 301.320 Foster Care Placement Goal
 301.330 Plans to Achieve This Goal
 APPENDIX A Criminal Convictions which Prevent Placement of Children with Relatives

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; the Adoption Assistance and Child Welfare Act of 1980 [42 USC 670 et seq.]; 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [705 ILCS 501].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 990, effective July 1, 1985; amended at 19 Ill. Reg. 938, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996; amended at 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 13580, effective October 1, 1997; amended at 23 Ill. Reg. 13022, effective October 20, 1999; emergency amendment at 4 Ill. Reg. 6427, effective March 27, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: PLACEMENT SERVICES

Section 301.90 Foster Family Home Care

a) Foster family home care is provided in licensed foster family homes for children who cannot remain in the home and who can benefit from a family structure of care. The Department shall have legal responsibility for the child before the child is placed in a foster family home. The home shall have received a license or permit under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, before it receives children for foster care payment. Although foster family home care is generally provided to children whose parents are unable or unwilling to protect or care for them, it is also available for hearing impaired children who require special education not available in their home communities. The Department is not legally responsible for the children receiving this unique placement service. Care is provided in cooperation with the Illinois State Board of Education.

e7 in addition to the training required for licensure under Section 402.12(f) of 89 Ill. Adm. Code 403, Licensing Standards for Foster Family Homes, Foster Parents must receive additional training in content approved by the Department in order to care for children unassisted to them.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Child Care
 2) Code Citation: 89 Ill. Adm. Code 50
 3) Section Numbers:
 50.410
 50.420
 New Section
 New Section

4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
 5) A Complete Description of the Subjects and Issues involved: These proposed amendments implement Child Abuse and Neglect Tracking System (CANTS) checks for licensed exempt child care
 6) Will this proposed rulemaking replace an emergency amendment currently in effect? Yes
 7) Does this rulemaking contain an automatic repeal date? No
 8) Do these proposed amendments contain incorporations by reference? No
 9) Are there any other amendments pending on this Part? No
 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Neir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor Harris Blvd.
 Springfield, Illinois 62762
 Telephone number: (217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed exempt child care providers
 B) Reporting, bookkeeping or other procedures required for compliance:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Illinois Register on page 66-06.

- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3) Section Numbers: 1150.80
Proposed Action:
Amendment
- 4) Statutory Authority: The Illinois Architecture Practice Act of 1989 [225 ILCS 305].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 91-133, effective January 1, 2000, is the sunset reauthorization of the Illinois Architecture Practice Act of 1989. Among its changes were revisions concerning professional design firm registration; this proposed rulemaking accomplishes those changes. Architectural firms currently licensed as professional service corporations will now instead be required to be licensed as professional design firms.
- 6) Will these proposed amendments replace an emergency Rule currently in effect? No
Does this rulemaking contain an automatic repeal date? No
- 7) Do these proposed amendments contain incorporations by reference? No
- 8) Are there any other proposed amendments pending on this Part? No
- 9) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 10) Time, Place and Manner in which interested persons may submit written comments to: Proposed rulemaking: Interested persons may comment on this
- 11) Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 67786
217/785-0813
Fax #: 217/782-7645
- 12) Initial Regulatory Flexibility Analysis:
A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed architects.

All written comments received within 45 days of this issue of the Illinois Register will be considered.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: Architect skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

PART 1150

Section	Education Requirements and Diversified Professional Training Requirements	Education Requirements and Diversified Professional Training Requirements
1150.10	Category II – Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)	Category II – Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
1150.20	Application for Licensure by Examination	Application for Licensure by Examination
1150.30	Approved Architecture Programs	Approved Architecture Programs
1150.40	Licensure by Endorsement	Licensure by Endorsement
1150.50	Inactive Status	Inactive Status
1150.60	Restoration	Restoration
1150.65	Fees	Fees
1150.70	Professional Design Firm	Professional Design Firm
1150.75	Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act	Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
1150.80	Standards of Professional Conduct	Standards of Professional Conduct
1150.95	Architecture Complaint Committee	Architecture Complaint Committee
1150.100	Renewals	Renewals
1150.110	Granting Variances	Granting Variances

ILLUSTRATION A
Architect Seal RequirementsAPPENDIX A
Categories of Diversified Professional Training

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5991, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Admin. Code 1150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1989, at 12 Ill. Reg. 2033; amended at 16 Ill. Reg. 3143, effective February 1, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5228, effective April 24, 1997; amended at 22 Ill. Reg. 1534, effective August 10, 1998; amended at 24 Ill. Reg. 559, effective December 31, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 1150.80 Professional Design Firm

a) Persons who desire to practice architecture in this State in the form of a corporation, professional service corporation, partnership, limited liability company, limited liability partnership, business corporation—or—professional service—corporation or sole proprietorship (if the sole proprietor is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act (805 ILCS 4/05)) shall, in accordance with Section 21 of the Act, file an application with the Department, on forms provided by the Department, together with the following:

1) For Corporations or Professional Service Corporations.

1) Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act (805 ILCS 10/121).

a) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is licensed as an architect, structural engineer, or professional engineer or land surveyor. To qualify under Section 21 of the Act, at least two-thirds of the board of directors shall be licensed design professionals and at least one shall be an Illinois licensed architect;

b) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. The purpose clause—that—that—the purpose of the corporation is to provide architect/artist services; If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide architectural services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration; and

c) A signed and dated certified copy of the resolution adopted by the board of directors designating a member member(s) of the board of directors who is an Illinois licensed architect and full-time employee of the corporation as the managing

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agent agent(s) in charge of the architectural activities in this State. The Illinois license number of the architect architect(s) designated as the managing agent agent(s) shall also be included in the resolution;

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable; and

E) A certificate of good standing from the Secretary of State and copy of the latest annual report, if applicable.

2) For Partnerships.

A) General

i) A copy of the signed and dated Partnership agreement and a copy containing the name of the partnership, and its business address and the names of all general partners. The with the name of the state in which each partner is licensed and the license number of each partner is licensed and the name of the state in which each general partner who is licensed as an architect, structural engineer, or professional engineer or land surveyor shall be listed on the application. To qualify under Section 21 of the Act, two-thirds of the general partners shall be licensed in any state or territory and at least one partner shall be an Illinois licensed architect;

ii) A signed and dated certified copy of the resolution adopted by the general partners designating the general partner partner(s) who is an Illinois licensed architect architect(s) and a regular full-time employee of the partnership as the managing agent agent(s) in charge of the architectural activities in this State. The Illinois license number of the architect architect(s) designated as the managing agent agent(s) shall also be included in the resolution.

iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership

i) A copy of the signed and dated Partnership agreement indicating it has been filed with the Secretary of State authorizing the partnership to provide architectural services. The Partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed and the license number shall be listed on the application. To qualify under Section 21 of the Act,

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At least two-thirds of the board of directors shall be licensed design professionals and at least one shall be an Illinois licensed architect.

iii. A signed and dated resolution adopted by the general partners designating the general partner who is an Illinois licensed architect and a full-time employee of the partnership as the managing agent in charge of the architectural activities in this State. The Illinois license number of the architect designated as the managing agent shall also be included in the resolution.

iii. A copy of the authority to transact business under the Assumed Business Name Act, issued by the Secretary of State for any assumed names of the partnership, if applicable.

iv. A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

3) For Limited Liability Companies or Limited Liability Partnerships.

A. An application containing the name of the limited liability company or partnership, the business address and the members or partners of the company/partnership, the name of the state in which each is licensed as an architect and the license number of each member/partner. To qualify under Section 21 of the Act, at least two-thirds of the members or general partners shall be licensed in any state or territory and at least one shall be an Illinois licensed architect.

B) A signed and dated resolution of the members or partners A certified copy of the articles of organization or operating agreement designating a member of the company/partnership who is an Illinois licensed architect and a regular full-time employee as the managing agent in charge of the architectural architect activities in this State. The license number shall be included in the resolution.

C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer architectural services.

D) For any assumed name, a copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

4) For Professional Service Corporations.

A) An application containing the name of the corporation it is registered to do business in this state and the names of its directors and the name of the state and license number for each director who is licensed as an architect or structural

engineer or professional engineer to qualify for registration pursuant to Section 12 of the Professional Service Corporation Act f085-ies-10-217-as-best two-thirds of the articles of incorporation bearing the seal of the officer whose duty it is to register corporations under the laws of that jurisdiction. The purpose clause of the corporation shall designate that the purpose of the corporation is to provide architectural services if it is a foreign corporation a copy of the certificate of authority to transact business in this state is required.

B) A copy of the articles of incorporation bearing the seal of the corporation shall be filed with the Secretary of State in order to maintain a professional design firm registration and

E) A certified copy of the resolution adopted by the board of directors designating a member of the board of directors who is an Illinois licensed architect as the managing agent in charge of the architectural activities in this state. The managing agent shall be included in the resolution.

4154 For Sole Proprietorships with an Assumed Name. (A sole proprietorship operating under the name of the licensee is not required to register as a professional design firm.)

A) An application containing the name of the sole proprietorship and its business address and the name and license number of the architect who owns and operates the business.

B) A letter or certificate received from the county clerk where an assumed name has been filed.

5167 A list of all office locations in Illinois at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides architectural services. Each individual architectural office maintained for the preparation of drawings, specifications, reports or other professional work shall have a resident architect licensed in Illinois and regularly employed full-time.

Nothing in this section shall relieve the managing agent in charge of architectural activities in this state of any legal responsibility for the overall supervision of the individual architectural offices.

6177 A list of all assumed names used by the corporation, limited liability company, partnership or sole proprietorship.

2107 The fee required in Section 115.75 39 of the act.

b) Upon receipt of a completed application, the department shall issue a license authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole

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proprietorship to engage in the practice of architecture or notify the applicant in writing of the reason for the denial of the such application.

c) Each individual architect/office maintained for the preparation of drawings—individual architect/office—reports—or—other professional work shall have a resident—architect—licensed—in—Illinois—and—regularly employed—in—that—office—having—direct—supervision—and—control—of—such work—Nothing—in—this—Section—shall—relate—to—the—managing—agent(s) in charge—of—architectures—activities—in—the—state—or—any—legal responsibility—for—the—overall—supervision—of—the—individuals—architectural—offices.

c) Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship shall be responsible for notifying the Department within 30 days after any changes in:

- 1) The membership of the board of directors, members/partners of the limited liability company/partnership or of the general partners;
- 2) The licensure status of any of the general partners, members/partners of the limited liability company/partnership or any of the design professional licensed architect-engineering members of the board or partners; and
- 3) An assumed name.

d) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Department, in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent agent(s). Thereafter the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the architect licensed in Illinois who is the newly managing agent agent(s).

e) Failure to notify the Department as required in subsections (c) and (d), or any failure of the corporation, professional service corporation, limited liability company or partnership to continue to comply with the requirements of Section 21 of the Act will subject the corporation or partnership to the loss of its license to practice architecture in Illinois.

f) Sole Proprietorships. Any sole proprietorship owned and operated by an architect who has an active Illinois license is exempt from the registration requirement of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4) as a professional design firm with the Department indicating all assumed names utilized. A sole proprietorship shall notify the Department of any assumed name changes. Any sole proprietorship not owned and operated by an Illinois licensed architect shall be prohibited from offering architectural services to the public.

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91 In addition to the seal requirements in Section 12 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Dental Practice Act

2) Code Citation: 68 Ill. Ad. Code 1220

3) Section Numbers: PROPOSED ACTION:

1220.240 Amendment

1220.245 New Section

Repealed

Repeated

Appendix B

Appendix C

4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-994, effective January 1, 2000, changed various duties and responsibilities for dental hygienists and dental assistants. Among the changes was allowing dental hygienists to administer, as well as monitor, nitrous oxide to dental patients if properly trained. It also allowed dental assistants to assume various duties and responsibilities previously restricted to dental hygienists, including coronal polishing and the monitoring of nitrous oxide, if properly trained. These proposed amendments implement these provisions and establish the number of training required. Dental assistants will be allowed to place sealants pursuant to standards set forth in Section 1220.245. Appendices B and C listed permitted procedures that could be performed by dental hygienists and dental assistants--these appendices are being repealed. A list of prohibited procedures has been added to Section 1220.240 and 1220.245, respectively.

6) Will these proposed amendments replace emergency rules currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation

Attention: Jean A. Courtney

320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813

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All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses providing dental services.B) Reporting, bookkeeping or other procedures required for compliance: Hygienists and assistants must provide proof of specified training upon request of the Department.C) Types of professional skills necessary for compliance: Dental skills and hygienist skills are required for licensure, while formal training for assistants is required to perform specific duties.13) Regulatory Agenda on which this rulemaking was summarized: July 1999
The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1220
ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section 1220.110	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST AND DENTAL ASSISTANTS

Section 1220.200	Application for Licensure
1220.210	Application for Examination
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Prescribed Permitted Duties of Dental Hygienists <u>Amoxicilin</u>
1220.245	Prescribed Duties of Dental Assistants
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

Section 1220.310	Applications
1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

SUBPART D: GENERAL

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Section	Definitions
1220.380	Reportable Diseases and Conditions
1220.405	Reporting of Adverse Occurrences
1220.410	Endorsement
1220.415	Fees
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.431	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section	Definitions
1220.500	Anxiolysis in the Dental Office Setting
1220.505	Conscious Sedation in the Dental Office Setting, Parenteral Deep Sedation and General Anesthesia in the Dental Office Setting
1220.520	Renewal
1220.525	Anesthesia Review Panel
1220.530	Approved Programs in Anesthesiology
1220.540	Reporting of Adverse Occurrences (Repealed)
1220.550	Restoration of Permits

APPENDIX A: Pre-clinical Restorative Dentistry Sub-section (Repealed)

APPENDIX B: Dental Assistant Permitted Procedures (Repealed)

APPENDIX C: Dental Hygienist Permitted Procedures (Repealed)

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1961; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 417, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983; for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 1510, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Admin. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Admin. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13

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Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 1, 1993; emergency amendment at 17 Ill. Reg. 830; effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6506, effective April 18, 1995; amended at 21 Ill. Reg. 3718, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998; for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective June 1, 1998; amended at 23 Ill. Reg. 1480; effective July 29, 1998; amended at 23 Ill. Reg. 7394, effective June 10, 1999; amended at 24 Ill. Reg. _____, effective _____, _____.

SUBPART B: DENTAL HYGIENISTS

Section 1220-240 Prescribed Permitted Duties of Dental Hygienists Auxiliaries

a) Permitted Duties of an appropriately-trained Dental Assistant

i) A licensed dentist may delegate to an appropriately-trained dental assistant those procedures for which the dentist exercises supervision and control procedures responsibility as long as the delegated functions do not include:

At those procedures that require professional judgment and skill such as instruments and treatment planning and the setting of hard or soft tissues or any internal procedure that will be used directly in the fabrication of an appliance?

By those procedures specifically delegated to licensed dental hygienists and

ii) Those procedures forbidden by Section 37(g) of the Act:

Appendix B of this Part contains an illustrative list of those procedures that may be performed by an appropriately-trained dental assistant:

iii) An appropriately-trained dental assistant is a person who is considered by the supervising dentist to be competent to perform acts appropriate for dental assistants either through formal education in the area or through on-the-job training

a) Dental hygienists may perform the operative procedure of dental hygiene, consisting of oral prophylaxis procedures.

b) Permitted Duties of a Dental Hygienist

b) i) Dental hygienists may perform dental health education functions and may record case histories and oral conditions observed.

2) Scope of Duties

c) i) Dental hygienists may perform all procedures that may be performed by an appropriately trained dental assistant.

d) ii) Dental hygienists shall not perform those procedures which constitute the practice of dentistry as described in the Illinois Dental Practice Act. Hygienists may not perform procedures that require the professional judgment and skill of a dentist. Such prohibited procedures include, but shall not be limited to, the following:

6) Permanently cementing permanent crowns or bridges

6) Permanently re-cementing permanent crowns or bridges that have come loose.

7) Dental hygienists may administer and monitor nitrous oxide under the following conditions:

i) At The dental hygienist functions under the supervision of the dentist who remains in the facility;

2) By the dental hygienist dentist may shall administer (stat the flow of) nitrous oxide to the patient and control the induction of the gas, so that the patient is at a level of anesthesia not anesthesia;

3) By the dental hygienist dentist may remove shall be responsible for removing the patient from nitrous oxide when the hygiene procedures have been dental hygienist has completed the hygiene procedures; and

4) By The dental hygienist is responsible for obtaining proof of certification validating completion of a 12 hour course relative to nitrous oxide analgesia and is responsible for submitting certification to the dentist. Such course shall have been completed no earlier than December 31, 1994. A dental hygienist who completed the 12 hour course shall complete an additional 2 hour course in nitrous oxide analgesia administration. The dental hygienist, who has not completed the 12 hour course, shall complete an approved course of 14 hours relative to the administration and monitoring of nitrous oxide analgesia and submit certification of successful completion to the dentist. Such course shall have been completed no earlier than January 1, 1998. An individual who graduated from an approved dental hygiene program after January 1, 1998 that contained nitrous oxide analgesia administration and monitoring in the curriculum shall not be required to complete the 14 hour course upon proof to the dentist of the required curriculum. Proof of nitrous oxide analgesia education shall be made available to the department upon request. The required hours 32--hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.40 or a dental hygiene program approved by the Department pursuant to Section 1220.250.

4) Appendix B of this Part contains an illustrative list of those procedures that may be performed by registered dental hygienists:

5) The licensed dentist need not be present in the facility for a dental

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hygienist to perform the procedures set forth in this Section (except for the administration and monitoring of nitrous oxide, which must be done under the direction and supervision of a dentist as outlined in subsection (e)(1) outlined in Appendix E of this Part) on persons who reside in a long-term care facility licensed by the State of Illinois or a mental health or developmental disabilities facility operated by the Department of Mental Health and Developmental Disabilities hospital or other similar institution and are unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in a written order to the hygienist. Such order must be implemented within 90 days of its issuance and an updated medical history and oral inspection must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a re-examination by the dentist.

g) All intraoral procedures performed by a dental auxiliary, except those provided for in subsections (b)(1) and (e) (b)(5)(i) above, must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1220.245 Prescribed Duties of Dental Assistants

a) "Dental Assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services or procedures as authorized by Section 17 of the Illinois Dental Practice Act or as prescribed by this Part. "Appropriately trained" means a person who:

1. Has completed formal training as a condition for administering a specific service or procedure as required by the Illinois Dental Practice Act or this Part; and
2. Is considered, for all other authorized or prescribed services or procedures, by the supervising dentist to be competent to render such service or procedure as a result of on-the-job training.

b) Provided that a dental assistant is appropriately trained pursuant to this Section and is acting under the supervision and full responsibility of a dentist, a dental assistant may perform any dental service or procedure except the following:

1. Any and all diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structures.
2. Removal of, restoration of, or addition to the hard or soft tissues of the oral cavity. For purposes of this Section, oral polishing and acid etching of a tooth surface are not considered removal of hard or soft tissues.
3. Any and all correction of malformation of teeth or of the jaws.

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4) Administration of anesthetics except for topical anesthetics and monitoring of nitrous oxide as specified in this Section.

5) Removal of calculus from teeth.

6) Taking of final impressions for the fabricating of prosthetic appliances, crowns, bridges, inlays, onlays, or other restorative or replacement dentistry.

7) The operative procedure of dental hygiene consisting of oral prophylactic procedures except for coronal polishing as specified in this Section.

8) Making denture adjustments.

9) Condensing or carving amalgam restorations.

10) Placing and finishing composite restorations.

11) Permanently cementing permanent crowns or bridges.

12) Permanently re-cementing permanent crowns or bridges that have come loose.

13) Placement of any chemotherapeutic agent for the management of periodontal disease.

14) Applying cavity bases.

15) Cementing bands and/or bonding brackets.

16) Performing supra gingival or sub gingival scaling.

17) Performing pulp vitality tests.

c) A dental assistant may perform the following services and procedures, but only under the following terms and conditions:

1) Monitoring nitrous oxide, provided:

A) The dental assistant has completed an approved course of 12 hours relative to nitrous oxide analgesia and has submitted certification to the dentist of valid completion of such course. Such course shall have been completed no earlier than January 1, 1998. Proof shall be made available to the dentist upon request. The required hours shall include both didactic and clinical components and have been designed by an educational institution such as a dental school, dental hygiene or dental association program or by an approved CG sponsor and include areas of anatomy, physiology, pharmacology and dental emergencies. In addition to the required hours, the assistant must be currently certified in CPR;

B) The dental assistant is functioning under the supervision of the dentist who remains in the facility;

C) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall administer (start the flow of) nitrous oxide to the patient and control the induction of the gas so that the patient is at a level of analgesia, not anesthesia;

D) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall remove the patient from nitrous oxide when the dentist or dental hygienist has completed the procedures on the patient.

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2) Coronal polishing, provided:

a) The dental assistant has completed an approved course of 6 hours relative to coronal polishing and has submitted certification of successful completion to the dentist. Such course shall have been completed no earlier than January 1, 1998. Proof shall be made available to the Department upon request. The required hours shall include a minimum of 1 hours of didactic study in areas of anatomy, physiology, pharmacology and dental emergencies and 2 hours of clinical instruction and have been provided by an educational institution such as a dental school, dental hygiene or dental assistant program or by an approved CE sponsor. The assistant must pass an examination in the didactic portion of the course and the clinical portion must contain experience on human subjects;

b) Coronal polishing shall be limited to polishing the clinical crown of the tooth and existing restoration, progressively;

c) Coronal polishing shall be limited to the use of slow speed rotary instruments using a rubber cup and/or brush polishing method. The use of air polish by dental assistants is not permitted;

d) A dentist shall be limited to supervising four dental assistants at any one time for the task of coronal polishing.

3) Pit and fissure sealant application, provided:

a) The dental assistant has completed a course of at least 2 hours of didactic study and 2 hours of clinical instruction in this Section, the supervising dentist has personally observed the dental assistant successful place 6 pit and fissure sealants;

c) The supervising dentist must document that the training has been completed and dentist is responsible for examining the patient prior to and following the placement of sealants by a dental assistant;

d) All introral procedures performed by a dental assistant must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Added at 24 Ill. Reg. _____)

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Section 1220-APPENDIX B Dental Assistant Permitted Procedures (Repealed)

The following procedures may be performed by a trained dental assistant—if—the licensed dentist—responsible for the patients in that practice:
 a) Is-in-the—room—during—the—performance—of—the—procedures?
 i) Provide—chariote—assistance—o—the—dentist—who—is—performing—dent—operations—and—act—in—response—o—the—dentist's—specific directions—such—as—retracting—a—patient's—cheeky—tongue—or other oral tissue;
 ii) First—on—chart—the—oral—condition—as—dictated—by—the—dentist—who is—performing—a—dentist—examination—and—record—preliminary medical—and—dental—histories;
 iii) Is—in—the—dental—facility—during—the—performance—of—the—procedures?
 iv) Provide—chariote—assistance—to—a—dental—hygienist—perform certain—tasks—consisting—of—traditional—chariote—assisting—such as—retraction—of—patient's—tongue—cheek—or—other—oral—tissue; Remove—oral—debris—by—water—compressed—air—or—vacuum—devices?
 v) Mix—dental—materials—to—be—used—by—the—dentist?
 vi) Receive—removable—prostheses—for—cleaning—and—repair?
 vii) See—patients—piece—protective—garments—lumirite—ips—end obturates—piece—protective—garments—for—the—dentist?
 viii) Pre—selection—and—contouring—of—temporary—crown—forms—extraorally for—placement—of—filling—material—and—scoring—of—temporary—crown by—the—dentist?
 ix) Place—and—remove—rubber—dams—and—shields?
 x) Remove—excess—cement—from—crown—o—of—tooth?
 xi) Place—and—remove—peridental—packs—and—remove—sutures—excluding wire—sutures?
 xii) Expose—and—process—root—genograms—of—teeth—the—six—oh—process?
 xiii) Or—any—of—the—bony—parts—necessarily—involved?
 xiv) Place—and—remove—metal—cemento—or—plastic—matrix—and—wedges between—teeth—for—placement—of—filling—material—o—the—dentist?
 xv) Instruct—and—demonstrate—placement—of—internal—appliances—that the—patient—will—have—to—do—by—himself—o—himself—out—o—the officer?
 xvi) Take—impressions—o—the—mouth—for—the—purpose—o—making diagnostic—casts—or—model—casts—and—opposing—models?
 xvii) For—impressions—o—the—teeth—o—the—dentist—o—the—assistant—selection—o—impression—tray—and—holding—of—impressions—after they—have—been—seated—by—dentist? and—remove—such—impressions—at the—direction—of—the—dentist?
 xviii) Instruct—patients—in—the—use—o—all—o—oral—hygiene—products? introradical—elastics—or—the—cone—and—use—o—orthodontic elastics?—including—introradical—and—extoradical—demonstrations?
 xix) Remove—ligature—cone—o—the—tooth—ligature—remove—tension devices—and—any—toes—or—broken—bands—or—arch—wires?
 xx) Place—ligature—banding—o—the—fastening—o—any—arch—wire after—fitting—and—pincement—o—the—arch—wire—by—a—licensed

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dentist:

- 181 Remove an archwire;
- 191 Take-patients-a-vital-signs--fever--blood-pressure--and-pulse--etc;
- 201 Apply-topical-anesthetic;
- 211 Apply-microdentification-dots;
- 221 Place-and-remove-temporary-crowns-without-the-interior--use
rabbits--and-removal-reduction-cord;
- 231 Insert-patient-in-use-of-blistering-agents;
- 241 Use-rotary-instruments;
- 251 Remove--excess--superfluous--cement--from--restorations--and
appliances-that-have-been-phased-by-the-dentist;
- 261 Use-acid-etch-for-the-purpose-of--preparing--teeth--for--pit--and
fissure--sealants--and--preparation--for-placement-of-orthodontic
brackets;
- 271 Place-ankligram--and--composite--material--into--cavity--preps--for
condensation--by--the-dentist;
- 281 Place-and-remove-orthodontic-separators--for--the-purpose-of-timely
placement-of-orthodontic-appliances;
- 291 Preschedule--or--prescribed-crowns--and--fitting-of-orthodontic-brackets--
bands--stainless--steel--crowns--and--doctor-prescribed-archivars
intentionally;
- 301 Take-intraoperative-photographs-and-imaging;
- e) Directs-the-performance-of-procedures--which--do--not--require--direct
contact--with-patient--the-dentist-need-not-be-physically-present--in
the-office-during-the-performance-of-these-procedures;
- Supervision--as-defined-in-Section-4-of-the-PACT--means--the-supervision
of-a--dentist--assistant--regarding--that--dentist--and--the--assistant--the
procedures--performed--in--the--dental--facility--while--the--procedure--is
performed--and--approve--of--the--work--performed--by--the--dentist--assistant
before--diagnosis--of--the--patient--but--does--not--mean--that--the--dentist
must--be--present--at--all--times--in--the--treatment--room--

{Source: Repealed at 24 Ill. Reg. _____, effective _____,

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

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Section 1220 - APPENDIX C *Hygienist permitted procedures (Revised)*

En-addition--to--those--activities--specified--in--Section--B--of--the--Act
 the--following--procedures--may--be--performed--by--a--re-stituted--dentist--
 hygienist:

3) Polish--restorations--without--changing--the--anatomy--contours--or--
 occlusion--of--the--tooth--

2) Perform--root--planing--and--soft--tissue--graftage--

3) Place--temporary--restorations--following--examination--and--
 instruction--by--the--dentist--

4) Apply--topical--anesthetics--and--topical--medicaments--

5) Record--existing--conditions--through--the--use--of--radiographs--

6) Perform--intraoral--dental--laboratory--tests--including--but--not--
 limited--to--oral--cytology--smear--pulp--vitality--tests--and--ceries--
 tests--

7) Apply--pit--and--fissure--sealants--to--teeth--as--prescribed--by--the--
 dentist--

8) Bi-introral--irrigation--and--shunter--irrigation--

9) Remove--overhanging--margins--without--the--use--of--rotary--instruments--

10) Utilize--chemotherapeutic--modalities--substituting--

BCS--under--the--conditions--specified--in--Section--18B(6)--of--the--Act--a--
 dentist--hygienist--may--be--employed--or--engaged--only--under--the--supervision--
 of--a--licensed--dentist--

11) Supervise, as defined in Section 4 of the Act, means the supervision
 of--a--dentist--hygienist--scrubbing--the--a--dentist--authorizes--the
 procedure--remain--in--the--dentist--facility--while--the--procedure--is--performed--and--
 performed--and--approve--the--work--performed--by--the--dentist--hygienist
 before--dismissal--of--the--patient--but--does--not--mean--that--the--dentist
 must--be--present--at--all--times--in--the--treatment--room--

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NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1270

3) Section Numbers:
1270.45
Proposed Action:
Amendment4) Statutory Authority: The Illinois Professional Land Surveyor Act of 1989
(225 ILCS 3301).

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Illinois Professional Land Surveyor Act of 1989. Among its changes were revisions concerning firm registration, replacing "land surveying" firms with "professional design" firms for consistency with the other 3 design profession regulatory Acts; this proposed rulemaking accomplishes those changes. Land surveying firms currently licensed as professional service corporations will now instead be required to be licensed as professional design firms.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No
10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of land

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VI: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989
 PART 1270

Section 1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination for Licensure as a Professional Land Surveyor by Experience
 1270.13 Examination
 1270.15 Definition of Related Science
 1270.20 Examinations
 1270.30 Endorsement
 1270.35 Inactive Status
 1270.40 Restoration
 1270.45 Professional Design Hand-Surveying Firm
 1270.50 Renewals
 1270.52 Fees
 1270.55 Land Surveyor Complaint Committee
 1270.60 Granting Variances
 APPENDIX A Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [255 ILCS 330] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 7, 1967; 2 Ill. Reg. No. 50, page 64; effective December 11, 1970; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171; effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916; effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448; effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365; effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15885; effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 1270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 83-125, effective January 1, 1988, at 12 Ill. Reg. 2550; amended at 15 Ill. Reg. 5528, effective April 2, 1991; amended at 16 Ill. Reg. 15588, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg.

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14252, effective October 15, 1997; amended at 24 Ill. Reg. 576, effective December 31, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 1270.45 Professional Design Firm Hand-Surveying Firm

a) Persons who desire to practice land surveying in the State of Illinois in the form of a corporation, professional service corporation, partnership, limited liability company or limited liability partnership; a corporation that is a corporation and such corporation was not formed under the Professional Service Corporation Act [805 ILCS 105/1-107] or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405/1]) pursuant to Section 25 of the Act, shall file an application with the Department on forms provided by the Department, together with the following:

- 1) For Corporations or Professional Service Corporations. Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/121].

A) The name of the corporation and its registered address, the names of all members of the board of directors and officers, and the name of the state and license number for each director and officer who is a licensed design professional as a land surveyor; No quorum under Section 25-2 of the Act; a majority of the officers and a majority of the board of directors of the corporation shall be Illinois-licensed land surveyors.

B) A copy of the Articles of Incorporation bearing the seal of the officer, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. ~~The purpose of the Articles of Incorporation shall designate that the purpose of the corporation is to provide land surveying services. If it is a foreign corporation, a copy of the certificate of authority to transact business in the State of Illinois issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide land surveying services. Each a corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional land surveying firm registration.~~

C) A signed and dated A-certified copy of the resolution of the board of directors of the corporation designating a regular full-time employee of the corporation an officer who is an Illinois licensed land surveyor as the managing agent in

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charge of the land surveying activities in Illinois. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

2) For Partnerships.

A)

i) A copy of the signed and dated partnership agreement authorizing the partnership to provide land surveying services. The partnership agreement shall An application contain the name of the partnership and its business address and the names of all partners, and that Illinois Land Surveyor. The name of the state in which each partner is licensed as a design professional and the license number numbers shall be listed on the application. All partners shall be Illinois licensed land surveyors.

ii) A signed and dated certified copy of the resolution adopted by the general partners designating a regular full-time employee of the partnership who is the general partner who is an Illinois licensed land surveyor as the managing agent agent in charge of the land surveying activities in this State. The Illinois license number of the land surveyor surveyor designated as the managing agent agent shall also be included in the resolution.

iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership

i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.

ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed land surveyor in this State as the managing agent in charge of land

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surveying activities. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.

iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

3) For Limited Liability Companies or Limited Liability Partnerships.

A) An application containing the name of the limited liability company or partnership, the business address and the members/partners of the company/partnership, the name of the state in which each is licensed as a land surveyor and the license number of each member/partner licensed as a design professional. A majority of the members of the limited liability company shall be licensed land surveyors in Illinois.

B) A signed and dated resolution of the members or partners agreement designating a full-time employee who is member of the company who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the managing agent shall also be included in the resolution.

C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company of partnership is authorized to offer land surveying services.

D) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

E) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.

4) For Proprietorships with an Assumed Name.

A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the land surveyor who owns and operates the business.

B) A letter or certificate received from the county clerk where an assumed name has been filed.

5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership or sole proprietorship provides land surveying services. Any professional services corporation, sole proprietorship, or professional design and surveying firm

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offering land surveying services must have a resident land surveyor overseeing the land surveying practices in each location in which land surveying services are provided. (Section 25(h) of the Act) A resident land surveyor is defined as an Illinois Licensed Land Surveyor who is physically present in the office supervising the professional land surveying operations a minimum of 40 hours a week or 80 percent of the hours the office is open, whichever is greater.

A-list-of-all-assumed-names-used-by-the-corporation-is-limited

6) **liability company, partnership or sole proprietorship;**
7) the fee required in Section 1270.52 et al-the-Act.

b) Upon receipt of the above documents and review of the application, the Department shall issue a license authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of land surveying or notify the applicant in writing of the reason for the denial of the application.

c) Each corporation, professional service corporation, limited liability company/partnership, or partnership or sole proprietorship with an assumed name shall be responsible for notifying the Department in writing within 30 days after of any changes in:

- 1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners; or
- 2) The licensure status of any of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional land-surveyor members of the board of directors; and
- 3) An assumed name.

d) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Department in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the land surveyor licensed in Illinois who is the newly designated managing agent.

e) Sole Proprietorships. Any sole proprietorship owned and operated by a land surveyor who has an active Illinois license is exempt from the registration requirement of a professional design land-surveying firm. However, if the sole proprietorship operates under an assumed name, the sole proprietorship shall file an application in accordance with subsection (a)(1) with the Department indicating this assumed names authorized--A-sole-proprietorship-shall-notify-the-Department--of--any assumed-name-changes. Any sole proprietorship not owned and operated by an Illinois licensed land surveyor shall be prohibited from offering land surveying services to the public.

f) In addition to the seal requirements in Section 15 of the Act, all

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documents or technical submissions prepared by the land surveying firm shall contain the professional design land-surveying firm registration number issued by the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1.) Heading of the Part: The Professional Engineering Practice Act of 1989

2.) Code Citation: 68 Ill. Adm. Code 1380

3.) Section Numbers: 1380.290
Proposed Action: Amendment4.) Statutory Authority: The Professional Engineering Practice Act of 1989
(225 ILCS 325)

5.) A Complete Description of the Subjects and Issues Involved: Public Act 91-92, effective January 1, 2000, is the sunset reauthorization of the Professional Engineering Practice Act of 1989. Among its changes were revisions concerning professional design firm registration; this proposed rulemaking accomplishes those changes. Engineering firms currently licensed as professional service corporations will now instead be required to be licensed as professional design firms.

6.) Will these proposed Amendments replace an emergency rule currently in effect? No

7.) Does this rulemaking contain an automatic repeal date? No

8.) Do these proposed Amendments contain incorporations by reference? No

9.) Are there any other proposed Amendments pending on this part? No

10.) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

11.) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jan A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0013 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12.) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing professional engineers.
- B) Reporting, bookkeeping or other procedures required for compliance:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380 PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section 1380.210 Approved Engineering Program	1380.210 Approved Engineering Program
1380.220 Definition of Degree in Basic Engineering or Related Science	1380.220 Definition of Degree in Basic Engineering or Related Science
1380.230 Approved Experience	1380.230 Application for Enrollment as an Engineer Intern by Examination
1380.240 Application for Licensure as a Professional Engineer by Examination	1380.250 Application for Licensure as a Professional Engineer by Examination
1380.260 Examination	1380.270 Restoration
1380.270 Restoration	1380.275 Fees
1380.280 Endorsement	1380.280 Inactive Status
1380.285 Professional Design Firm	1380.290 Professional Conduct
1380.300 Standards of Professional Conduct	1380.305 Professional Engineer Complaint Committee
1380.310 Renewals	1380.320 Granting Variances

APPENDIX A Significant Dates For the Administration of Section 19 of the Act – Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 3/5] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; Part repealed at 9 Ill. Reg. 10018, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective December 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14137, effective September 19, 1994; amended at 19 Ill. Reg. 16016, effective November 17, 1995; amended at 20 Ill. Reg. 6477, effective April 21, 1996; amended at 21 Ill. Reg. 13839, effective October 1, 1997; amended at 22 Ill. Reg. 1616, effective December 1, 1998; amended at 23 Ill. Reg. 1616, effective December 1, 1998; amended at 24 Ill. Reg. 625, effective December 1, 1999; amended at 24 Ill. Reg. 625, effective December 1, 1999.

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effective September 3, 1998; amended at 24 Ill. Reg. 625, effective December 31, 1999; amended at 24 Ill. Reg. 625, effective December 1, 1999.

Section 1380.290 Professional Design Firm

a) Persons who desire to practice professional engineering in this State in the form of a corporation, limited liability corporation, partnership, ~~corporation if the firm is a corporation and each corporation was not formed under the Professional Service Corporation Act (805 ILCS 10/11)~~ or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act (805 ILCS 4051) shall, in accordance with Section 23 of the Act, file an application with the Department, on forms provided by the Department, together with the following:

1) For Corporations or Professional Service Corporations. Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act (805 ILCS 10/121).

A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is a licensed design professional. ~~as a professional engineer~~

B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. ~~the purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide engineering services. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or certificate of authority shall designate that the corporation is authorized to provide engineering services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration.~~

C) A signed and dated ~~A certified copy of the~~ resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed professional engineer as the managing agent in charge of the engineering activities in Illinois. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State

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For any assumed name of the corporation, if applicable.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

2) For partnerships.

A) General. A copy of the signed and dated partnership agreement authorizing the partnership to provide professional engineering services. The agreement shall contain an application—containing the name of the partnership, and its business address and the names of all general partners. The name of the state in which each partner is licensed as a professional engineer and the license number shall be listed on the application of each general partner.

iii) A signed and dated A-certified-copy-of-the resolution of the general partners designating a regular full-time employee of the partnership who is an Illinois licensed professional engineer as the managing agent in charge of the engineering activities in this State. The license number of the managing agent shall be included in the resolution.

iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership.

i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide professional engineering services. The partnership agreement shall contain the name of the partnership, its business address and the name of each partner. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.

ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed professional engineer in this State as the managing agent in charge of the engineering services. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.

iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

iv) A copy of the authority to transact business under the assumed business name act issued by the Secretary of State for any assumed names of the partnership, if applicable.

3) For Limited Liability Companies or Limited Liability Partnerships.

A) An application containing the name of the limited liability company or partnership.

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For any assumed name of the corporation, if applicable.

E) A certificate of good standing from the company/partnership, the business address and the name of the member/s/partner, the name of the state in which each is licensed as a professional engineer and the license number of each design professional who is a certified member or partner.

- B) A signed and dated resolution of the members or partners A-certified-copy-of-the-articulates-of-organization-or-operating agreement designating a regular full-time employee of the company who is an Illinois licensed professional engineer as the managing agent in charge of the engineering activities in this State. The license number of the managing agent shall also be included in the resolution.
- C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer engineering services.
- D) A copy of the authority to transact business under the assumed business name act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
- E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- F) For Sole Proprietorships with an Assumed Name
 - A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the professional engineer who owns and operates the business.
 - B) A letter or certificate from the county clerk where an assumed name has been filed.
- G) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides engineering services.
- H) A-list-of-all-assumed-names-used-by-the-corporation-limited liability company-partnership-or-sole-proprietorship.
- I) The fee required in Section 1280.225, 29 of the Act, upon receipt of the above documents and review of the application, the reason for the denial of the application.
- J) Each corporation, professional service corporation, limited liability company/partnership, or sole proprietorship shall be responsible for notifying the Department within 30 days after any changes in title of the board of directors, members/partners member of the limited liability company/partnership or the general partner; and

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2) The licensure status of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional professional engineer members of the board of directors; and

3) An assumed name.

d) Each corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent, thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the professional engineer licensed in Illinois who is the newly designated managing agent.

e) Any failure to notify the Department as required in subsections (c) and (d) above or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 23 of the Act will subject the corporation, limited liability company or partnership to the loss of its license to practice professional engineering in Illinois.

f) Sole proprietorships. A sole proprietorship who is conducting or transacting business under the real name of the professional engineer who has an active Illinois license will not be required to file an application and comply with the requirements set forth in this Section. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4), with the Department--~~indicating--~~ ~~and assumed names--~~ ~~and~~ ~~a sole--~~ ~~proprietorship--~~ ~~shall--~~ ~~notify the Department of any assumed name changes~~ Any sole proprietorship not owned and operated by an Illinois licensed professional engineer shall be prohibited from offering engineering services to the public.

g) In addition to the seal requirements in Section 12 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Structural Engineering Practice Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1480

3) Section Number(s): 1480.200

4) Statutory Authority: The Structural Engineering Practice Act of 1989 [225 ILCS 340].

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-91, effective January 1, 2000, is the sunset reauthorization of the Structural Engineering Practice Act of 1989. Among its changes were revisions concerning professional design firm registration; this proposed rulemaking accomplishes those changes. Engineering firms currently licensed as professional service corporations will now instead be required to be licensed as professional design firms.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing structural engineers.

B) Reporting, bookkeeping or other procedures required for compliance:

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None

C) Types of professional skills necessary for compliance:
engineering skills are necessary for licensure.

(3) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed Amendments begins on the next page.

Section	Text
1480.10	Statutory Authority (Repealed)
1480.20	Licensure (Repealed)
1480.30	Approved Education Qualifications (Repealed)
1480.40	Approved Experience Qualifications (Repealed)
1480.45	Renewals (Renumbered)
1480.50	Restoration of Expired Certificate (Repealed)
1480.60	Granting Variances (Renumbered)
1480.110	Approved Structural Engineering Curriculum
1480.120	Definition of Degree in Related Science
1480.130	Approved Experience
1480.135	Application for Enrollment as a Structural Engineer Intern by Examination
1480.140	Application for Licensure by Examination
1480.150	Examination
1480.160	Restoration
1480.170	Endorsement
1480.180	Inactive Status
1480.190	Renewals
1480.195	Fees
1480.200	Professional Design Firm
1480.210	Standards of Professional Conduct
1480.215	Structural Engineer Complaint Committee
1480.220	Granting Variances (Renumbered)

AUTHORITY: Implementing the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15(7)).

SOURCE: Adopted at 4 Ill. Reg. 242, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 140 (Department of Professional Regulation) pursuant to P.A. 85-25, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg.

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14751, effective September 19, 1994; amended at 19 Ill. Reg. 2309, effective February 14, 1995; amended at 19 Ill. Reg. 16031, effective November 17, 1995; amended at 21 Ill. Reg. 1384, effective October 1, 1997; amended at 24 Ill. Reg. 639, effective December 31, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 1480.200 Professional Design Firm

a) Persons who desire to practice structural engineering in this State in the form of a corporation, professional service corporation, partnership, corporation limited liability company, limited liability partnership, corporation-if-the-form-is-a-corporation-and-such-corporation-was-not-formed-under-the-professional-Services-Corporation-Act-(805 ILCS 605/1-101) or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act (805 ILCS 405/1) shall, in accordance with Section 19 of the Act, file an application with the Department on forms provided by the Department, together with the following:

1) For Corporations or Professional Service Corporations.

(Registration requirements of Section 12 of the Professional Service Corporation Act (805 ILCS 10/121).)

A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is a licensed design professional ~~structural-engineer~~.

B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. ~~General-purpose--class--of-the Articles--of--incorporation--shall--designate--that--the--purpose of--the--corporation--is--to--provide--engineering--services-- If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required.~~ The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide structural engineering services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain professional design firm registration.

C) A signed and dated ~~certified-copy-of-the~~ resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed structural engineer as the managing agent of the structural engineering activities in Illinois. The Illinois license number of the structural engineer designated as the managing agent shall also be included in the resolution.

2) For Professional Design Firms.

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the resolution.

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

2) For Partnerships.

A) General

i) A copy of the signed and dated partnership agreement adopted by the general partners designating a regular full-time employee of the partnership who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in this State. The license number of the managing agent shall be included in the resolution.

ii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership

i) A signed and dated copy of the partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide structural engineering services. The partnership agreement shall contain the name of the partnership, its business address and the name of each partner. The name of the state in which each partner is licensed and the license number shall be listed on the application.

ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed structural engineer in this State. The Illinois license number of the structural engineer designated as the managing agent shall also be included in the resolution.

iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

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iv) Applicable: A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

3) For Limited Liability Companies or Limited Partnerships.

A) An application containing the name of the limited liability company or partnership, the business address and the members/partners of the company/partnership, the name of the state in which each is licensed as a structural engineer and the license number of each design professional who is a member or partner.

B) A certified copy of the resolution of the members' or partners' articles of organization or operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer engineering services.

C) A signed and dated resolution of the members or partners designating a regular full-time employee of the company who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in this State. The license number of the managing agent shall also be included in the resolution.

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

4) For Sole Proprietorships with an Assumed Name.

A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the structural engineer who owns and operates the business.

B) A letter or certificate from the county clerk where an assumed name has been filed.

5) A list of all office locations in Illinois at which the corporation, professional service corporation, limited liability company or partnership, partnership or sole proprietorship provides structural engineering services.

6) Artist-official-name-used-by-the-organization-limited-liability-company-partnership-or-sole-proprietorship: If the fee required in Section 148.195 is or the Act, upon receipt of the above documents and review of the application, the Department shall issue a license authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in

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the practice of structural engineering or notify the applicant of the reason for the denial of the application.

Each corporation, professional service corporation, limited liability company/partnership, or partnership or sole proprietorship shall be responsible for notifying the Department within 30 days after any changes in:

1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners; and

2) The licensure status of the general partners, members/partners of the limited liability company/partnership or any of the licensed structural engineer members of the board of directors; and;

3) An assumed name.

Each corporation, limited liability company/partnership, professional service corporation or partnership shall be responsible for notifying the Department in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the structural engineer licensed in Illinois who is the newly designated managing agent.

e) Any failure to notify the Department as required in subsections (c) and (d) above or any failure of the corporation, professional service corporation, limited liability company/partnership, or partnership or sole proprietorship to continue to comply with the requirements of Section 19 of the Act will subject the corporation, limited liability company or partnership to the loss of its license to practice structural engineering in Illinois.

f) Sole Proprietorships. Any sole proprietorship owned and operated by a structural engineer who has an active Illinois license is exempt from the registration requirements of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4) with the Department, indicating the assumed name. A sole proprietorship shall notify the Department of all assumed name changes. Any sole proprietorship, not owned and operated by an Illinois licensed structural engineer, shall be prohibited from offering structural engineering services to the public.

g) In addition to the seal requirements in Section 14 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____,)

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1) Heading of the Part: Diesel Emission Inspection Program

2) Code Citation: 92 Ill. Adm. Code 460

Proposed Action:

3) Section Numbers: New Section

460.100 New Section

460.110 New Section

460.120 New Section

460.130 New Section

460.140 New Section

460.150 New Section

460.200 New Section

460.210 New Section

460.220 New Section

460.230 New Section

460.240 New Section

460.250 New Section

460.300 New Section

460.310 New Section

460.320 New Section

460.330 New Section

460.400 New Section

460.410 New Section

460.500 New Section

460.510 New Section

460.520 New Section

460.600 New Section

460.605 New Section

460.610 New Section

460.620 New Section

4) Statutory Authority: Implementing and authorized by Section 13-109.1 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1] (See P.A. 91-254, effective July 1, 2000.)

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Rules, the Department is establishing the Diesel Emission Inspection Program as mandated by P.A. 91-254, effective July 1, 2000. A brief Section by Section analysis follows:

Section 460.100 Purpose

This Part establishes requirements to be followed by an owner of a diesel-powered vehicle registered within an affected area in Illinois that is subject to a diesel emission inspection in accordance with Section 13-109.1 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109.1]. (See P.A. 91-254, effective July 1, 2000.) Inspection, compliance and enforcement procedures are also covered by this Part.

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Section 460.110 Definitions

Terms used throughout this Part to describe the diesel emission inspection program are defined in this Section.

Section 460.120 Applicability

This Part is applicable to Intrastate Carriers of Property or Passengers and Interstate Carriers of Passengers. It is also applicable to Interstate Carriers of Property meeting the exception in 625 ILCS 5/13-114 that are registered and operated within an affected area. Diesel-powered farm vehicles registered as farm trucks are exempt from this Part. Finally, units of local government within the affected areas, including home rule units, cannot require or conduct a diesel emission inspection program that does not meet or exceed the standards in this Part [625 ILCS 5/13-109.1]. (See P.A. 91-254, effective July 1, 2000.)

Section 460.130 Address for Correspondence

The address for correspondence pertaining to this Part is provided in this Section.

Section 460.140 Incorporation by Reference and Cutpoint Standards

The Department is incorporating by reference the Society of Automotive Engineers (SAE) Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles," February 1996 edition, and the United States Environmental Protection Agency (USEPA) "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure," April 1997 edition.

The Department has also set out in this Section the opacity cutpoint standards that are recommended by the above-mentioned SAE guide.

Section 460.200 Official Testing Station Requirements and Section 460.210 Private Official Testing Stations

These Sections set out the general requirements an Official Testing Station, public or private, permitted by the Department and located in an affected area, must follow when conducting diesel emission inspections as required by 625 ILCS 5/13-109.1. Among other things, Section 460.200 provides for the obtaining of diesel emission inspection equipment by public stations free of charge from the Department before May 1, 2000. On or after May 1, 2000, the Department cannot guarantee it will have equipment available to loan. On or after May 1, 2000, a public station will be required to purchase the necessary equipment, Department approved, on its own. Private

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Stations must purchase their own Department approved diesel emission inspection equipment regardless of the date of purchase.

Section 460.220 Responsibilities of Official Testing Station Owner (Public and Private)

This Section addresses the responsibilities of a Station Owner with respect to such things as the training of employees to become Certified Diesel Emission Testers, the conducting of diesel emission inspections, the maintenance of diesel emission inspection equipment, the repairs of malfunctioning equipment, the payment of money to the Department for certification equipment, the validation of the diesel emission inspections, the surrendering of a Station's Permit for cause, and, finally, for compliance with this Part.

Section 460.230 Responsibilities of Certified Diesel Emission Tester

This Section contains, among other things, the requirements for becoming a Certified Diesel Emission Tester (CDET), including the testing involved for certification and the requirements for maintaining certification as a CDET. Additionally, the responsibilities of the CDET – such as, having the sole physical control of the vehicle being tested during the entire diesel emission inspection – are contained in this Section.

Section 460.240 Supervision of Official Testing Station and Enforcement of Department Policies

This Section contains the responsibilities for those individuals authorized by the Department – Vehicle Compliance Inspectors and administrative personnel employed by the Department – to conduct announced and unannounced visits to Stations to monitor and enforce this Part. These responsibilities include such things as, reviewing CDEN applications, conducting CDEN testing, inspecting the building and equipment, closing a Station when diesel emission inspection equipment is inoperative or inaccurate, inspecting forms and validation certificates, and, investigating complaints against a Station or CDET. An authorized representative of the Department may also issue warning tickets or citations for violations of 6125 ILCS Ch. 13 and this Part. Finally, the Department's representative may require a Station Owner to cease diesel emission inspections upon privilege, or revocation of diesel emission inspection testing privileges.

Section 460.250 Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms

All required diesel emission inspection equipment is on loan to public

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Official Testing Stations. The equipment is owned and will remain the property of the Department. The Owner of a Public Official Testing Station furnished with diesel emission inspection equipment by the Department must sign the "Diesel Emission Inspection Equipment Bailment Agreement" that assigns responsibility for damage or loss of the equipment due to theft, vandalism, fire or other occurrences, including negligent operation of the equipment, to the Station Owner. This Section also covers validation certificates, forms and supplies and the care and responsibility of those items by the Station Owner.

Section 460.300 Vehicle Preparation

Section 460.310 Equipment Set-Up

Section 460.320 Snap-Acceleration Inspection Procedures and Section 460.330 Reporting of Inspection Results

These Sections contain the procedures performed by the CDEN in conducting the actual inspection of a diesel-powered vehicle – the Snap-Acceleration Inspection. Provisions concerning vehicle preparation, set-up of the diesel emission inspection equipment, procedures for the execution of the Snap-acceleration Inspection, and reporting of the inspection results are contained in these Sections. When a vehicle passes its diesel emission inspection, the results of the inspection will be recorded on the back of a Diesel Emission Inspection Compliance Card (DEICC) and a validation certificate will be attached to the space provided on the card. The DEICC must be kept in the vehicle as proof of compliance.

Section 460.330 also outlines procedures for vehicles that fail to meet minimum clipout standards. In this case, a 30-Day Warning Notice card is issued along with an explanation that the vehicle must be repaired and reinspected at the same Station within 30 days or the vehicle will be placed out-of-service. Finally, Section 460.330 also details the responsibilities of the Station Owner with respect to diesel emission inspection printer tapes.

Section 460.400 Rates and Charges

Section 13-106 of the Law authorizes the Department to establish rates or charges for performance of the diesel emission inspection. The rates are as follows:

Initial Diesel Emission Inspection: \$30
Reinspection – Diesel Emission Inspection: \$25

No other rate or charge will apply.

Section 460.410 Rate Change Procedure

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Rates charged by Stations for diesel emission inspections will be reviewed every three years beginning three years from the effective date of this part.

Section 460.500 Diesel Emission Inspection 30-Day Warning Notice

This Section further explains the 30-Day Warning Notice mentioned in Section 460.330. Corrections that may be made to improve test results on a vehicle that needs reinspection are also listed in this Section.

Section 460.510 Diesel Emission Inspection Out-of-Service Order

When a vehicle fails to pass a reinspection within 30 days of receipt of a 30-Day Warning Notice and the Owner has not obtained a waiver in accordance with the requirements under Section 460.600, an out-of-service order will be sent to the company that owns or operates the vehicle. A vehicle remains out-of-service until a diesel emission reinspection is passed or a waiver is obtained.

Section 460.520 Diesel Emission Inspection Enforcement

This Section describes the enforcement of the out-of-service order by the Secretary of State, the Department of State Police and other law enforcement officers during roadside enforcement activities. Operating a vehicle in violation of an out-of-service order is a petty offense punishable by a \$1,000 fine.

Section 460.600 Diesel Emission Inspection Waiver Requirements for Failing Inspection and Reinspection

A Certificate of Waiver for Failing an Inspection and Reinspection will be issued to the owner of a diesel-powered vehicle when the requirements of this Section are met. A waiver will be denied when all of the waiver criteria set forth in this Section have not been met. A Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. A Certificate of Waiver does not expire.

Section 460.605 Diesel Emission Inspection Waiver Requirements for an Ungoverned Vehicle

When the owner of a diesel-powered vehicle without a device to govern engine revolutions per minute provides the Department with a letter from the vehicle manufacturer or dealer affirming that the vehicle was manufactured ungoverned, the vehicle will be exempt from meeting the requirements of this Part.

The waiver request will be denied without proof in the form of a

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letter from the vehicle manufacturer that the vehicle was manufactured ungoverned.

Section 460.610 Grievance Procedures

The Department will conduct an investigation upon receiving a petition from any person aggrieved by a decision regarding the failure of a diesel emission reinspection. A person denied a waiver may also petition the Department for an investigation of that decision. Upon receipt of the grievance by the Department, an investigation is conducted during which the vehicle in question is declared out-of-service. The investigation will be concluded within 45 days and a determination of the correctness or incorrectness of the decision precipitating the grievance will be made. The Department's determination is the final administrative action available to a person filing a grievance.

Section 460.620 Replacement of Diesel Emission Inspection Compliance Card

This Section contains procedures for obtaining a replacement DEICC.

Will this proposed rulemaking replace an emergency rule currently in effect? No

Does this rulemaking contain an automatic repeal date? No

Does this proposed rule contain incorporations by reference? Yes

Are there any other proposed rules pending on this Part? No

Statement of Statewide Policy Objectives: This rulemaking will affect units of local government that operate diesel-powered vehicles registered for a gross weight of more than 16,000 pounds within the affected areas and that are 2 year or older models.

Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Ms. Cathy Allen

By U.S. Mail:
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

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(217) 785-1181
By Messenger or Inter-Agency Mail:
DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety, 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217) 782-3315

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect small businesses whose operations are classified as either one of the following.

i) Intrastate Carriers of Property or Passengers and Interstate Carriers of Passengers:

Each diesel-powered vehicle that is registered for a gross weight of more than 16,000 pounds, that is registered within the affected area and that is a 2 year or older model year shall be inspected annually for compliance with this Part.

ii) Interstate Carriers of Property meeting the exception in 625 ILCS 5/13-14:

Each diesel-powered vehicle that is registered for a gross weight of more than 16,000 pounds, registered and operated within the affected area and that is a 2 year or older model year shall be inspected annually for compliance with this Part.

B) Reporting, bookkeeping or other procedures required for compliance:
Small businesses that operate Private Diesel Official Testing Stations are required to report to the Department at least one working day before they perform five or more diesel emission inspections in one

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week. Small businesses are also required to keep the Diesel Emission Inspection Compliance Card (or Certificate of Waiver) in the vehicle to serve as proof of compliance with this Part.

C) Types of professional skills necessary for compliance: No professional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000
The full text of the Proposed Rule(s) begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)PART 460
DIESEL EMISSION INSPECTION PROGRAM

SUBPART A: GENERAL

Section 460.100 Purpose
460.110 Definitions
460.120 Applicability
460.130 Address for Correspondence and Cutpoint Standards
460.140 Incorporation by Reference and Cutpoint Standards

SUBPART B: OFFICIAL TESTING STATION REQUIREMENTS FOR DIESEL EMISSION INSPECTIONS

Section 460.200 Official Testing Station Requirements
460.210 Private Diesel Official Testing Stations
460.220 Responsibilities of Official Testing Station Owner (Public and Private)
460.230 Responsibilities of Certified Diesel Emission Tester
460.240 Supervision of Official Testing Station and Enforcement of Department Policies
460.250 Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms

SUBPART C: PROCEDURES FOR PERFORMING THE SNAP-ACCELERATION INSPECTION

Section 460.300 Vehicle Preparation
460.310 Equipment Set-Up
460.320 Snap Acceleration Inspection Procedures
460.330 Reporting of Inspection Results

SUBPART D: LEVEL OF RATES AND CHARGES

Section 460.400 Rates and Charges
460.410 Rate Change Procedure

SUBPART E: WARNING NOTICES, OUT-OF-SERVICE ORDER AND ENFORCEMENT

SUBPART A: GENERAL

AS USED IN THIS PART:

"Affected Areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Owego in Kendall County. (625 ILCS 5/13-100.1) (See P.A. 91-254, effective July 1, 2000.)

"Applicant" means any individual Owner, partners, authorized agent of a corporation, or lessee applying for an Official Testing Station Permit.

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NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)PART 460
DIESEL EMISSION INSPECTION PROGRAM

SUBPART F: WAIVER REQUIREMENTS, GRIEVANCE AND REPLACEMENT PROCEDURES

Section 460.500 Diesel Emission Inspection 30-Day Warning Notice
460.510 Diesel Emission Inspection Out-of-Service Order
460.520 Diesel Emission Inspection Enforcement

AUTHORITY: Implementing and authorized by Section 13-109.1 of the Illinois Vehicle Inspection Law (625 ILCS 5/13-109.1). (See P.A. 91-254, effective July 1, 2000.)

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____
SUBPART A: GENERAL

SUBPART B: GENERAL

Section 460.100 Purpose
This Part establishes the requirements and procedures to be followed by an owner/operator of a diesel-powered vehicle registered within an affected area in the State of Illinois that is subject to a diesel emission inspection in accordance with Section 13-109.1 of the Illinois Vehicle Inspection Law (the Law) (625 ILCS 5/13-109.1). (See P.A. 91-254, effective July 1, 2000.) Additionally, inspection, compliance and enforcement procedures are covered by this Part and establish the Diesel Emission Inspection Program.

SUBPART C: PROCEDURES FOR PERFORMING THE SNAP-ACCELERATION INSPECTION

Section 460.110 Definitions
As used in this Part:

"Affected Areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Owego in Kendall County. (625 ILCS 5/13-100.1) (See P.A. 91-254, effective July 1, 2000.)

"Applicant" means any individual Owner, partners, authorized agent of a corporation, or lessee applying for an Official Testing Station Permit.

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"Authorized Diesel Emission Inspection Equipment" means those testing and measuring devices approved and required by the Department's Commercial Vehicle Safety Section for applicable Official Testing Stations, diesel emission inspection procedures.

"Authorized Representative of the Department" means vehicle compliance inspectors and administrative personnel employed by the Illinois Department of Transportation.

"Certified Diesel Emission Tester (CDET)" means an individual who is employed at an Official Testing Station and who has passed a written exam and who has demonstrated proficiency by operating and calibrating the authorized diesel emission inspection equipment and who has been issued a certificate by the Department.

"Certified Safety Tester (CST)" means an individual who is employed at an Official Testing Station and who has passed a written exam and who has demonstrated proficiency in the operation of authorized safety test equipment and who has been issued a certificate by the Department.

"Code" means the Illinois Vehicle Code (625 ILCS 5).

"Commercial Vehicle Safety Section (CVSS)" means a section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

"Cutpoint Standards" means criteria established in the United States Environmental Protection Agency document "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure. (See Section 460.140 for cutpoint standards.)

"Department" means the Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (625 ILCS 5/13-100)

"Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection" means a certificate issued in accordance with Section 460.600 of this Part to the owner/operator of a vehicle that has failed a diesel emission inspection and reinspection but who has complied with all applicable waiver requirements in accordance with Section 460.600.

"Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle" means a certificate issued in accordance with Section 460.605 of this Part to the owner/operator of a vehicle whose motor was manufactured ungoverned but who has complied with all applicable waiver requirements in accordance with Section 460.605.

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"Diesel Emission Inspection Compliance Card" means the document presented to the vehicle owner/operator if his/her vehicle passes a diesel emission inspection. The card is validated by the presence of the Validation Certificate that is attached to the card in the form of an adhesive sticker and is required to be present in the cab of the vehicle.

"Diesel Emission Inspection 30-Day Warning Notice" means the document presented to the vehicle owner/operator if the vehicle fails the diesel emission inspection. The vehicle's owner/operator is required to return to the Station within 30 days for a reinspection.

"Diesel Emission Inspection Equipment" means the equipment required to be used by the Certified Diesel Emission Tester to inspect a diesel-powered vehicle and to submit the results of the inspection to the Department. The equipment includes, but is not limited to, the department-approved smoke opacimeter, a workstation (i.e., laptop computer), and printer tape.

"Diesel Emission Inspection Official Testing Stations" means those Stations located within the affected areas and required to participate in the Diesel Emission Inspection Program.

"Diesel Emission Inspection Supplies (Supplies)" means all items issued to an official testing station by the Commercial Vehicle Safety Section in order to conduct a diesel emission inspection. Items include, but are not limited to, Diesel Emission Inspection Compliance Cards, Diesel Emission Inspection 30-day Warning Notices, and Validation Certificates. All supplies remain the property of the Commercial Vehicle Safety Section.

"Diesel-Powered Vehicle" or "Diesel Vehicle" means a motor vehicle registered for a gross weight of more than 16,000 pounds, powered by an internal combustion, compression ignition, diesel fueled engine. "Diesel Smoke" means particles, including aerosols, suspended in the exhaust stream of a diesel engine that absorb, reflect, or refract light.

"Director" means the Director of the Division of Traffic Safety for the Illinois Department of Transportation.

"Division" means the Division of Traffic Safety for the Illinois Department of Transportation.

"Effective Optical Path Length ("L")" means the length of the smoke-obscured optical path between the smoke opacimeter light source and detector.

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"Emergency Vehicle" means vehicles of municipal departments or public service corporations that are designated or authorized as such by proper local authorities, including, but not limited to, police vehicles, vehicles of fire departments and ambulances.

"Emission Control Devices" means those components of a vehicle that were designed and are used to control vehicle exhaust and evaporative system emissions. For purposes of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

"Gross Weight" means the weight of a vehicle whether operated singly or in combination without load plus weight of the load thereon. [625 ILCS 5/1-151]

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer or manufacturer as the maximum loaded weight of a single vehicle. [625 ILCS 5/1-124.5]

"Illinois Vehicle Inspection Law (the Law)" means 625 ILCS 5/Ch. 13.

"Intrastate Carrier of Passengers" means any person engaged in the transportation of passengers solely within Illinois.

"Intrastate Carrier of Property" means any person engaged in the transportation of property solely within Illinois.

"Interstate Carrier of Passengers" means any person engaged in the transportation of passengers between a place in a state and a place outside of such state or between two places in a state through another state or a place outside the United States. [625 ILCS 5/1-133, 05 and 1-133]

"Interstate Carrier of Property" means any person engaged in the transportation of property between a place in a state and a place outside of such state or between two places in a state through another state or a place outside the United States. [625 ILCS 5/1-133]

"Interstate Commerce" means trade, traffic, or transportation in the United States which is between a place in a state and a place outside of such state or is between two places in a state through another state or a place outside the United States. [625 ILCS 5/1-133]

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal certification label. [625 ILCS 5/1-142]

"Model Year" means the year of manufacture of a vehicle based upon the

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annual production period of the vehicle as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture. [625 ILCS 5/1-144.05]

"Non-exempt Vehicle" means any vehicle subject to diesel emission inspections as required by this Part.

"Official Testing Station(s) (the Station)" means all contiguous real and personal property that houses the equipment and supplies relating to the diesel emission inspection of vehicles. Official Testing Stations are privately-owned businesses that are regulated by the Department. Official Testing Stations are classified as either public or private. Public stations are open to the public. Private stations are established by companies for the purpose of inspecting vehicles owned or operated by the company. Private stations are not open to the public.

"Official Testing Station Permit (Permit)" means evidence issued by the Commercial Vehicle Safety Section granting the Owner named thereon the privilege of serving as an agent of the State of Illinois within the limitations set forth in Section 5/13-103 of the Law.

"Opacity (N)" means the percentage of light transmitted from a source that is prevented from reaching a light detector.

"Operated within the Affected Area" means any vehicle that is physically within the affected area at any time, whether stationary or in motion.

"Out-of-Service Order" means a temporary prohibition against driving a commercial motor vehicle. [625 ILCS 5/1-154.5]

"Owner" means any individual, partners, authorized agent of a corporation, lessee, or other person in whose name an Official Testing Station Permit has been issued. Such person(s) is responsible for the lawfully operation of the Station's diesel emission inspection program.

"Owner/Operator" means the person who presents the diesel-powered vehicle at the Station for inspection, commonly referred to as the vehicle's driver.

"Part" means the regulations contained in this document that are located at 92 Ill. Adm. Code 460.

"Person" means every natural person, firm, copartnership, association or corporation. [625 ILCS 5/1-159]

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"Rate or Charge" means the monetary charge authorized by 625 ILCS 5/13-106 to any person offering a vehicle for a diesel emission inspection pursuant to 625 ILCS 5/13-109.1.

"Recognized Repair Technician" means a person professionally engaged in vehicle repair, employed by a going concern whose purpose is vehicle repair, or possessing nationally recognized certification for emission related diagnosis and repair.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Smoke Density (K)" means a fundamental means of quantifying the ability of a smoke plume or smoke containing gas sample to obscure light.

"Smoke Opacimeter" means a type of smokemeter designed to measure the opacity of a plume or sample of smoke by means of a light extinction principle.

"Smokemeter Measurement Zone" means the effective length between the smokemeter light source and the light detector through which exhaust gases pass and interact with the smokemeter light beam.

"Snap-Acceleration Inspection" means the method used to test a diesel-powered vehicle to determine the quality of diesel exhaust fumes being released into the atmosphere.

"Station" means the Official Testing Station.

"Transmittance (T)" means the fraction of light transmitted from a source that reaches a light detector.

"Validation Certificate" means the sticker attached by the CDEM to the Diesel Emission Inspection Compliance Card after the vehicle passes a diesel emission inspection.

Section 460.120 Applicability

a) Intrastate Carriers of Property or Passengers and Interstate Carriers of Passengers:
Effective July 1, 2000, each diesel-powered vehicle that is registered for a gross weight of more than 16,000 pounds, that is registered within the affected area as defined in Section 460.110, and that is a 2 year or older model year shall be inspected annually for compliance with this Part. [625 ILCS 5/13-109.1] (See P.A. 91-251, effective July 1, 2000.)

b) Interstate Carriers of Property meeting the exception in 625 ILCS 5/13-109.1 (See P.A. 91-251, effective July 1, 2000.)

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5/13-114: Effective July 1, 2000, each diesel-powered vehicle that is registered and operated within the affected area and that is a 2 year or older model year shall be inspected annually for compliance with this Part. [625 ILCS 5/13-109.1] (See P.A. 91-254, effective July 1, 2000.)

c) Diesel-powered vehicles being operated on plates issued pursuant to Section 3-81(c) of the Code (Farm Truck Registration (i.e., license plate)) are exempt from the diesel emission inspection requirements set forth in this Part. [625 ILCS 5/13-109.3] (See P.A. 91-254, effective July 1, 2000.)

d) Units of local government within the affected areas, including home rule units, shall not require or conduct a diesel emission inspection program that does not meet or exceed the standards of the diesel emission inspection provided for in this Part. [625 ILCS 5/13-117] (See P.A. 91-254, effective July 1, 2000.)

c) Diesel-powered vehicles being operated on plates issued pursuant to Section 3-81(c) of the Code (Farm Truck Registration (i.e., license plate)) are exempt from the diesel emission inspection requirements set forth in this Part. [625 ILCS 5/13-109.3] (See P.A. 91-254, effective July 1, 2000.)

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c) Diesel-powered vehicles being operated on plates issued pursuant to Section 3-81(c) of the Code (Farm Truck Registration (i.e., license plate)) are exempt from the diesel emission inspection requirements set forth in this Part. [625 ILCS 5/13-109.3] (See P.A. 91-254, effective July 1, 2000.)

Section 460.130 Address for Correspondence

Illinois Department of Transportation
Division of Traffic Safety
Commercial Vehicle Safety Section
3215 Executive Park Drive
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 557-6181

Section 460.140 Incorporation by Reference and Cutpoint Standards

The following materials are incorporated by reference as of the edition date provided below. No later amendments to or editions of the following documents are incorporated. Copies of these materials are available for inspection at the Department's Commercial Vehicle Safety Section at the address provided in Section 620.130.

a) Society of Automotive Engineers (SAE) Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles," revised February 1996.

The opacity cutpoints recommended by this guidance which will be used as a standard for this program shall not exceed:
40 opacity for vehicles 1991 and newer;
55% opacity for vehicles 1992 and older;
Until December 31, 2002, 70% for vehicles 1973 and older; and
After January 1, 2003, 55% for vehicles 1973 and older.

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b) United States Environmental Protection Agency (USEPA) "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure," issued April 1997.

SUBPART B: OFFICIAL TESTING STATION REQUIREMENTS FOR DIESEL EMISSION INSPECTIONS

Section 460.200 Official Testing Station Requirements

a) Diesel emission inspections shall be conducted at Official Testing Stations permitted by the Illinois Department of Transportation (the Department). The annual diesel emission inspection may be conducted in conjunction with the annual or semi-annual safety inspections.

b) This Part establishes the requirements and procedures to be followed by an Official Testing Station in order to implement Section 13-109.1 of the Law [625 ILCS 5/13-109.1]. (See P.A. 91-254, effective July 1, 2000.) Any public Official Testing Station permitted by the Department that is located within an affected area, as defined in Section 460.110, and whose building or property is of sufficient size to accommodate a vehicle as large as a tractor-trailer, will be required to have diesel emission inspection equipment and to participate in this program.

c) Any public Official Testing Station subject to this Part that is in operation in the affected areas before May 1, 2000 will be provided the diesel emission inspection equipment free of charge from the Department. Any Owner of a public Official Testing Station who opens his/her Station on or after May 1, 2000 will be required to purchase the diesel emission inspection equipment necessary for compliance with this Part. The Department has purchased enough equipment to supply all existing public Official Testing Stations; however, the Department may not have enough equipment available to supply a large number of new public Official Testing Stations that may open just prior to the effective date of P.A. 91-254 (i.e., July 1, 2000).

d) Any private Official Testing Station permitted under Section 13-103 of the Law may conduct diesel emission inspections on its own vehicles in accordance with this Part. A new category of Official Testing Station is established for vehicle owners who want to conduct only diesel emission inspections on their own vehicles. The new category of Station will be referred to as a private Diesel Official Testing Station (POOTS). Both categories of private Official Testing Stations will be required to purchase their own diesel emission inspection equipment.

e) The Official Testing Station (the Station) or the property the Station is located on must be of sufficient size to accommodate a vehicle as large as a tractor trailer combination unit.

f) Diesel emission inspections may be performed outside the Station on the property where the Station is located.

g) Those Stations performing diesel emission inspections inside the

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Station must provide sufficient ventilation to prevent persons from becoming overcome by exhaust fumes.

b) A working telephone must be located in the Station to electronically transmit diesel emission inspection data to the Department via the Internet.

c) Public Stations located within the affected areas and permitted to conduct diesel emission inspections must perform a diesel emission inspection for each vehicle presented for such an inspection.

d) Each Station permitted to perform diesel emission inspections must have at least one Certified Diesel Emission Tester with a current and valid certificate.

e) No diesel emission inspection shall be conducted unless the Station's permit is valid and designates that the Station provides diesel emission inspections.

f) All diesel emission inspections shall be conducted on the property identified on the Official Testing Station permit.

Section 460.210 Private Diesel Official Testing Stations

g) Private Diesel Official Testing Stations (PDOTS) may be established by persons or municipalities or other governmental entities that own or lease at least 25 diesel-powered vehicles subject to diesel emission inspections.

h) PDOTS are not open to the public.

i) PDOTS shall notify the Department by telephone at least one working day prior to performing five or more diesel emission inspections in one week. An authorized representative of the Department may be present at the time of inspection.

j) PDOTS shall provide, at their own expense, diesel emission inspection equipment approved by the Department.

k) The Department shall provide to PDOTS diesel emission inspection supplies necessary to conduct diesel emission inspections. PDOTS must purchase Validation Certificates from the Department for one dollar each.

l) PDOTS shall electronically transmit diesel emission inspection data to the Department via the Internet.

m) PDOTS shall conduct all diesel emission inspections on the property the facility to which the Official Testing Station permit is issued.

n) PDOTS shall conduct all diesel emission inspections in accordance with this Part.

Section 460.220 Responsibilities of Official Testing Station Owner (Public and Private)

a) The Owner shall require all Certified Diesel Emission Testers (CDET) to comply with this Part.

b) The Owner of an Official Testing Station shall notify the CVSS in writing when he/she or his/her employees wish(es) to make application

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to become a CDET. The letter of request must include the Station's phone number and address as well as the applicant's:

- 1) Full name;
- 2) Date of birth;
- 3) Driver's license number; and
- 4) Photo which measures at least two inches by two inches but no more than three inches by three inches.
- c) The Owner is responsible for the training of employees on the equipment and inspection procedures before the employee is tested by an authorized representative of the Department to become a CDET.
- d) The Owner shall notify the CVSS as soon as he/she is aware that neither he/she nor any of his/her employees are eligible to conduct diesel emission inspections, e.g., when a CDET is no longer employed at the Station. Failure to have at least one employee who is certified to conduct diesel emission inspections automatically suspends the Official Testing Station's diesel emission inspection permit until such time as the Owner or an employee becomes certified to conduct diesel emission inspections.
- e) The Owner shall notify the CVSS as soon as he/she is aware that his/her Official Testing Station is not eligible to conduct diesel emission inspections, e.g., the Station is closed for vacation. If the Official Testing Station is not eligible to conduct diesel emission inspections for more than 30 days, an authorized representative of the Department must approve resumption of the diesel emission inspection program.
- f) The Owner is responsible for maintaining the equipment in proper calibration and for maintaining the Station in proper condition as required by 92 Ill. Adm. Code 451. After the diesel emission inspection equipment is manufacturer's warranty and maintenance program expires, the Owner is responsible for maintaining the diesel emission inspection equipment in proper working order.
- g) It shall be the Owner's responsibility to cease conducting diesel emission inspections when any piece of that equipment malfunctions.
- 1) Equipment malfunctions and subsequent closure shall be reported to the CVSS as soon as the Owner is aware of the malfunction.
- 2) Diesel emission inspections shall not be resumed until repairs are completed and approval is secured from an authorized representative of the Department. An authorized representative of the Department will confirm that the diesel emission inspection equipment is working in accordance with the manufacturer's specifications.
- h) It shall be the Owner's responsibility to maintain a quantity of diesel emission inspection supplies to accommodate vehicles presented for original inspection or returned for reinspection. If a Station does not have a quantity of diesel emission inspection supplies to issue to a vehicle returning for a reinspection, the inspection fee shall be refunded to the vehicle owner/operator.
- i) The Owner shall be responsible for the proper security and handling of

the diesel emission inspection supplies. It shall be the Owner's responsibility to immediately notify the CVSS of any change in diesel emission inspection equipment.

- j) It shall be the Owner's responsibility to provide funds to the Department to cover the cost of Validation Certificates to perform diesel emission inspections (i.e., one dollar per Certificate), either through transmittal of appropriate funds or through use of a previously established credit balance. These procedures are currently in operation according to 92 Ill. Adm. Code 451-140.
- k) Validation Certificate fees shall be paid to TREASURER, STATE OF ILLINOIS, by the Station for each Certificate issued. The Station shall only charge the authorized fee when issuing a Certificate (i.e., one dollar). The authorized fee for the Validation Certificate is included in the rates or charges established in Section 460.400.
- l) If an official Testing Station Permit is suspended or revoked pursuant to Section 460.240(a)(16), performance of any and all diesel emission inspection activities shall be prohibited for the duration of the suspension or revocation. It shall be the Owner's responsibility to surrender the Station permit and diesel emission inspection equipment and supplies as requested by an authorized representative of the Department on the date the suspension begins. The Owner shall be responsible for making certain all employees honor the terms of the suspension or revocation.
- m) It shall be the Owner's responsibility to see that all diesel emission inspections are conducted in accordance with this Part.

Section 460.230 Responsibilities of Certified Diesel Emission Tester

- a) Persons interested in becoming a Certified Diesel Emission Tester (CDET) must meet the following requirements:
 - 1) Be a last eighteen years of age; and
 - 2) Possess a valid driver's license.
- b) Every applicant must accomplish the following before certification as a CDET to conduct diesel emission inspections is awarded:
 - 1) Pass a written test based on this Part with a passing score of at least 70%.
 - 2) Demonstrate proficiency by properly operating and calibrating the diesel emission inspection equipment at the Station where employed.
- c) The Station Owner may request retesting of a CDET applicant who failed the initial examination.
 - 1) A person who failed any part of the initial examination shall wait a period of 15 days before replying.
 - 2) A person who fails a second time shall wait a period of 30 days before replying.
 - 3) After three failures within one 12 month period, a person is not eligible to take the examination for a period of one year from the date of the last failure.

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d) A CDET shall conduct a minimum of ten percent of the Station's diesel emission inspections during any calendar year or may be required to successfully pass the written and proficiency examinations to maintain certification. (See subsection (b) of this Section for examination standards.)

e) If the Official Testing Station where a CDET is employed changes diesel emission inspection equipment, the CDET shall be required to demonstrate proficiency by operating and calibrating the new inspection equipment. (See subsection (b) of this Section for examination standards.)

f) If a CDET leaves the employ of one Official Testing Station and is subsequently hired by another, the latter employer shall request in writing to the Department a transfer of the CDET's certification.

1) The CVSS may require the CDET to pass the written and proficiency examinations before the CDET certificate is transferred. (See subsection (b) of this Section for examination standards.)

2) Both tests shall be administered for the lapse in employment at Official Testing Stations exceeds 30 days.

g) The CDET's certificate remains the property of the CVSS and shall be immediately returned to the CVSS or authorized personnel of the Department if the CDET ceases inspecting vehicles or ceases to be employed by the Official Testing Station; or if the certificate is suspended, canceled or revoked; or if the CDET fails to maintain his certification; or if the CDET's driver's license is expired, canceled, suspended or revoked.

h) Diesel emission inspection privileges granted by the CDET's certificate shall be subject to cancellation, suspension or revocation by the Department for any violation of this Part. (See 625 ILCS 5/13-108 and 92 Ill. Adm. Code 451-11(b) for administrative hearings.)

i) If a CDET's certificate has been suspended for 90 days or more or canceled, the CVSS will require that the CDET pass the written and proficiency examinations prior to re-certification.

j) If an Official Testing Station is inoperative for a period of six months or more, all CDET certificates shall be canceled. Any former CDET shall be required to be reexamined before a certificate is issued.

k) Failure of a CDET to pass either the proficiency or written portion of any retest shall automatically cancel his/her certification.

l) Refusal of a CDET to submit to retesting shall automatically cancel his/her certification and his/her certificate shall be immediately surrendered to an authorized representative of the Department.

m) No person shall perform a diesel emission inspection unless that person has been certified as a CDET by the CVSS and that person has been issued a valid certificate by the CVSS. The certificate shall be displayed at the Official Testing Station where the CDET is employed.

n) The CDET shall perform the diesel emission inspection according to procedures established in this Part.

o) The CDET shall have sole physical control of the vehicle being tested during the entire diesel emission inspection.

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p) The CDET shall be responsible for documenting all diesel emission inspection results in the manner prescribed in Section 460.330. The CDET who performed the original diesel emission inspection or reinspection shall affix the Validation Certificate to the Diesel Emission Inspection Compliance Card as prescribed in Section 460.330. The Validation Certificate shall be affixed only if the vehicle inspected equals or exceeds all of the requirements of this Part.

r) The CDET shall not accept any gratuity from any person for or in connection with any official diesel emission inspection or for the issuance or giving of proof of a diesel emission inspection.

Section 460.240 Supervision of Official Testing Station and Enforcement of Department Policies

During both announced and unannounced visits, authorized representatives of the Department (as defined in Section 460.110) have the responsibility:

a) To monitor Official Testing Stations and to enforce this Part.

b) To review and approve applications for Official Testing Station permits and Certified Diesel Emission Tester (CDET) certificates.

c) To conduct written and proficiency tests for persons applying to become a CDEN. (See Section 460.230 for testing standards and procedures.) To conduct tests for persons who have been requested by the Department to be retested, e.g., not performing a minimum of 10% of diesel emission inspections annually.

d) To inspect building, equipment and adjacent roadway or alleys for compliance with Official Testing Station requirements or any conditions that affect the entrance and exit of vehicles. (See 92 Ill. Adm. Code 451-11(b) for Official Testing Station classification requirements.)

e) To inspect diesel emission inspection equipment for cleanliness, operability and accuracy.

f) To require the Owner to cease performing diesel emission inspections when diesel emission inspection equipment is totally or partially inoperative or inaccurate.

1) All diesel emission inspection supplies at the Official Testing Station will be removed and held by an authorized representative of the Department or the Commercial Vehicle Safety Section until the diesel emission inspection equipment has been cleaned, adjusted or repaired so as to render accurate results.

2) An authorized representative of the Department will approve the condition of the equipment (i.e., operating efficiently and effectively) before the Station may reopen for diesel emission inspections.

g) To instruct Official Testing Station Owners and CDENs in the proper method of completing forms and reports used in diesel emission inspection procedures.

h) To inspect forms required to be posted, completed and filed for cleanliness, legibility, and accuracy.

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- 1) To determine whether diesel emission inspections are performed in accordance with this Part.
 - j) To have access to all records and supplies that are the property of and furnished by the Department.
 - k) To inspect the Station's copy of this Part for completeness and availability.
 - l) To inspect printer tapes generated during diesel emission inspections for accuracy, completeness, legibility and proper filing order.
 - m) To inspect Validation Certificates at the Station for numerical sequence and storage security. To check the Station Owner's method of accountability for all diesel emission inspection supplies issued to the Station.
 - n) To investigate all complaints lodged against an Official Testing Station or a CDET. [625 ILCS 5/13-107].
 - o) To monitor Official Testing Station procedures used in conducting diesel emission inspections through the use of both official marked and unmarked vehicles. Monitoring conducted in marked State vehicles includes unannounced routine visits by area inspectors to check records for proper filing and completion and diesel emission inspection equipment for proper calibration and operation, and to administer tests to prospective owners or those CDEPs required to be retested as authorized by Section 13-105 of the Law [625 ILCS 5/13-105]. Monitoring conducted in unmarked vehicles includes unannounced investigations by Department personnel to determine if Official Testing Stations are performing diesel emission inspections in accordance with this Part as authorized by Section 13-107 of the Law [625 ILCS 5/13-107].
 - p) To ensure compliance with goals for this program by issuing warning tickets or citations/complaints to Official Testing Station permit holders and their employees for alleged infractions of 625 ILCS 5/Ch. 13 and this Part. The charges as outlined in the citations(s) will be adjudicated at an administrative hearing (see 625 ILCS 5/1-108 and 92 Ill. Adm. Code 450). The Secretary will determine whether the Station has committed a violation after careful evaluation of the evidence presented at such hearing. If a determination of a violation is made, the Secretary will assess penalties for violations alleged on the citation/complaints. (See 92 Ill. Adm. Code 451.70(j) for penalty guidelines.)
 - q) To require that the Owner cease diesel emission inspections and re-inspections upon suspension or revocation of diesel emission inspection testing privileges, as outlined in subsection (p) of this Section. Permit(s) and diesel emission inspection supplies will be removed from the facility for the period of suspension or permanently upon revocation.

Section 460.250 Diesel Emission Inspection Official Testing Station Equipment, Supplies and Forms

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- a) All required diesel emission inspection equipment furnished to public Official Testing Stations by the Department will remain the property of the Department.
 - b) The Owner of a public Official Testing Station furnished with diesel emission inspection equipment by the Department shall sign a "Diesel Emission Inspection Equipment Bailment Agreement" that includes, but is not limited to, a statement that the Station is responsible for damage or loss of the equipment due to theft, vandalism, fire or other occurrences, including negligent operation of the equipment or failure to perform routine maintenance on the equipment. The Station will also pay for insurance, if any, for the equipment. The Bailment Agreement will also serve as a receipt for the equipment when it is delivered to the Station by an authorized representative of the Department.
 - c) All required forms and supplies will remain the property of the Department.
 - d) All forms, supplies and completed printer tapes (see Section 460.230(e)) shall be kept in a secure place within the official Testing Station.
 - e) Diesel emission inspection supplies, as defined in Section 460.110, shall be available for inspection by an authorized representative of the Department any time during the hours listed in 92 Ill. Adm. Code 451.70(1)(B).
 - f) Validation Certificates, as defined in Section 460.110, shall be stored on a locked safe or other locked place within the Station.
 - g) Upon request by the Department, all diesel emission inspection equipment and supplies, as defined in Section 460.110, furnished by the Department, will be surrendered immediately to an authorized representative of the Department when the Station is either temporarily or permanently closed.
 - h) It shall be the Owner's responsibility to maintain a sufficient amount of supplies, as defined in Section 460.110, needed in the operation of the diesel emission inspection program. These supplies may be obtained from the OGS by submitting the diesel emission inspection requisition form. It shall be the Owner's responsibility to make sure his/her employees utilize the proper supplies.

SUBPART C: PROCEDURES FOR PERFORMING THE SNAP-ACCELERATION INSPECTION

Section 460.300 Vehicle Preparation

AGENCY NOTE: The procedure for a snap-acceleration inspection is established in accordance with SAE J1667 and consists of Sections 460.300 through 460.330.

Prior to conducting the snap-acceleration test, the following procedures must be completed by the Certified Diesel Emission Tester (CDET):

- a) Set parking brake.

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- b) Chock the wheels.
- c) Manual transmissions shall be placed in neutral. Automatic transmissions shall be placed in park, if available, or neutral if park is not available.
- d) Deactivate any device that may alter normal acceleration, i.e. air-conditioning or engine brake.
- e) Slowly accelerate the vehicle toward its maximum governed speed. Note any audible or visual indications that the engine is not mechanically sound. If there are no indications of problems, allow the engine to accelerate to a point where it becomes apparent that the governor is functioning properly. If it becomes apparent that the governor is not functioning properly, release the accelerator and stop the inspection. If the vehicle's engine is governed and not functioning properly, the governor must be adjusted or repaired in accordance with the vehicle's manufacturer's specifications before the snap-acceleration inspection is performed. If the vehicle was manufactured without a governor, the procedure to obtain a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle must be initiated (see Section 460.603).
- f) Inspect the vehicle's exhaust system for leaks. If exhaust leaks are found, stop the inspection until all exhaust leaks have been repaired.

Section 460.310 Equipment Set-Up

- a) Diesel emission inspection Official Testing Stations must be equipped with diesel emission inspection equipment approved by the Department. After taking open competitive bids, the Department has approved the Smoke Check 1667 manufactured by Red Mountain Engineering. The Department will only approve other equipment that is capable of performing the snap-acceleration inspection as described in Section 460.320, of reporting the inspection results as described in Section 460.330, and of interfacing with the Department's electronic information processing system.
- b) The following procedures coincide with prompts that are displayed on the Smoke Check 1667, manufactured by Red Mountain Engineering, Inc:
 - 1) The user of the Smoke Check 1667 shall enter data as prompted.
 - 2) The following is a summary of those prompts:
 - A) Enter 1 for Test Menu.
 - B) Enter 1 for Enter User Data.
 - C) Enter the Vehicle Identification Number (VIN) of the vehicle being tested.
 - D) Enter year and make of vehicle.
 - E) Enter year of engine.
 - i) Must be 4 digits.
 - ii) Engine year will normally be found on a tag or label located on the engine.
 - F) Enter vehicle mileage as shown on the odometer.
 - G) Enter engine manufacturer.

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- i) Examples include: International, Caterpillar, Cummins, Ford, G.M.C., Deere, etc.
- ii) If engine manufacturer is unknown, enter make of vehicle.
- iii) If engine horsepower or stack size.
- H) Enter engine horsepower or stack size.
 - i) Should be located on a tag or label on the engine.
 - ii) If engine horsepower is unknown, press "ENTER" and proceed to next step.
 - iii) Enter the diameter of the stack or tailpipe discharge end in inches. (If horsepower is entered, this prompt will not appear.)
- J) Enter diesel emission inspector's name.
 - i) Enter last name only.
 - ii) When two or more CDERS are employed who have the same last name, enter both the first and last name.
 - iii) Enter "2" to begin testing.
- K) Enter "2" for OK. If visual inspection reveals a problem as stated in Section 460.300, DO NOT PROCEED WITH THE INSPECTION. The vehicle is rejected.)
- L) Enter "Y" to "Perform Cleanout Snaps."
 - i) Enter "Y" to "Is the Sensor Out of the Stack?" (Sensor should not yet be in the stack or tailpipe.)
 - ii) Smoke meter will now self zero.
 - iii) Place sensor in the stack or tailpipe. Press any key.
 - iv) Press any key.
 - v) Perform the three cleanout snaps as prompted by the smoke meter.
 - i) Press F4 to complete each of the three cleanout snaps.
 - ii) "Wait" will appear between snaps 1 and 2, then 2 and 3. Do not continue until "Wait" disappears.
 - iii) Perform the three official opacity tests as prompted.
 - i) Push F4 to complete each of the three official snaps.
 - ii) "Wait" will appear between snaps 1 and 2, then 2 and 3. Do not continue until "Wait" disappears.
 - vi) Remove the sensor from the stack or tailpipe. Press any key to continue.
 - vii) Smoke meter will self zero.
 - viii) Smoke meter will indicate that the post-test zero check passed. If "Post is Valid" is displayed, press any key to continue.
 - W) When "Post is Valid" is displayed, press F5 to print results.
 - i) Tests will register valid when minimum output standards are met.
 - ii) Test results must be within 5% to be valid.
 - X) Enter "Y" to save data.
 - i) Smoke meter will store up to 100 tests.
 - ii) Tests will periodically be downloaded into a work

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Station.

Y) Enter "Y" to Print Test.
Z) Enter "N" to Print Test Again, unless a second copy of the printed test results is desired.

AA) If test was valid, enter "N" to re-test same vehicle.

ii) If test was invalid, press "Y" and start over at subsection (b)(2)(M) above.

iii) All information previously entered will be retained except engine year and horsepower or stack. These must be re-entered.

AGENCY NOTE: When the Department approves other diesel emission inspection equipment, this part will be amended to include procedures that will coincide with prompts for that equipment.

Section 460-320 Snap-Acceleration Inspection Procedures

With the vehicle prepared as described in Section 460-300 and the equipment set-up as described in Section 460-310, the snap-acceleration inspection shall be executed as follows:

a) With the engine at normal operating temperature and at low idle speed, the CDEM shall move the accelerator to the fully opened position as quickly as possible.

b) The CDEM shall hold the accelerator in the fully opened position until the engine reaches its maximum governed speed, plus an additional 1 to 4 seconds, as prompted by the display on the smoke opacimeter.

c) After completing the snap-acceleration of the engine operating at maximum governed speed for 1 to 4 seconds, the CDEM shall release the accelerator and allow the engine to return to low idle speed.

d) Allow the engine to remain at low idle speed for 5 to 45 seconds as prompted by the display on the smoke opacimeter.

e) Repeat steps (a) through (d) two additional times, for a total of three snap-acceleration cycles.

f) These three snap-accelerations are preliminary cycles that allow CDEMs to become familiar with the engine's acceleration and also remove loose soot from the vehicle exhaust system. The three preliminary cycles can also be used to check for proper operation of the smoke opacimeter.

g) Within 2 minutes after the preliminary snap-acceleration cycles or as prompted by the smoke opacimeter, the CDEM shall execute the three snap-accelerations in the same manner as described in subsections (a) through (d) of this Section for the preliminary acceleration cycles.

h) The percentage of opacity for the three snap-accelerations must be within 5% of each other for the inspection to be valid.

i) If the smoke opacimeter display announces a valid inspection, document the inspection results as instructed in Section 460-330, Reporting of Inspection Results.

j) If the test was invalid due to readings that varied by more than 5% or any other condition that would render the inspection invalid, repeat

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the entire inspection as outlined in Subpart C of this Part.

Section 460-330 Reporting of Inspection Results

a) The owner/operator of each vehicle presented for a diesel emission inspection shall provide a registration card, title or bill of sale that displays the vehicle identification number (VIN) and the owner/operator's name and address.

b) The CDEM shall compare the VIN displayed on the registration card, title or bill of sale to the actual VIN on the vehicle being presented for a diesel emission inspection to determine that the document provided accurately identifies the vehicle presented.

c) The following procedures apply only to vehicles that pass the diesel emission inspection by meeting minimum cutpoint standards:

1) The following information shall be written on the back of the Diesel Emission Inspection Compliance Card (DEICC) in the space provided:

A) Date of inspection
B) Official testing Station number
C) Vehicle identification number (VIN)
D) License plate number

i) If license plate is applied for, write: "Applied for."
ii) If no license plate or registration has been applied for, write: "None."
iii) Write the average opacity reading indicated on the printer tape generated during the inspection.

F) The CDEM who performs the diesel emission inspection shall sign the DEICC.

G) A Validation Certificate shall be attached in the space provided. The DEICC is not valid as proof of compliance unless the Validation Certificate is attached.

2) The DEICC shall be presented to the vehicle owner/operator with the explanation that the DEICC must be kept in the vehicle as proof of diesel emission inspection compliance.

d) The following procedures apply only to vehicles that fail to meet minimum cutpoint standards.

1) The following information shall be written on the back of the 30-day Warning Notice Card in the space provided:

A) Date of inspection
B) Official testing Station number
C) Vehicle identification number (VIN)
D) License plate number

i) If license plate is applied for, write: "Applied for."
ii) If no license plate or registration has been applied for, write: "None."
iii) Write the average opacity reading indicated on the printer

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F) The CDOT that performs the diesel emission inspection shall tape generated during the inspection.

2) The 30-Day Warning Notice Card shall be presented to the vehicle owner/operator with the explanation that the vehicle has failed to meet minimum opacity standards. The vehicle must be repaired and pass a diesel emission reinspection at the same Official Testing Station within 30 days or the Department will render the vehicle out-of-service.

e) The following procedures are the responsibility of the owner and apply to all vehicles for which a diesel emission inspection was completed.

- 1) The printer tapes generated during the diesel emission inspection shall be bundled together at the end of each day.
- 2) The top printer tape in each bundle shall be clearly marked in ink with the appropriate date.
- 3) Each daily printer tape bundle shall be placed in a file marked with each appropriate month.
- 4) Diesel emission inspection printer tapes shall be retained at the Official Testing Station in monthly files for a period of two years, after which they may be destroyed.
- 5) Diesel emission inspection printer tapes remain the property of the Department and must be accessible upon demand.
- 6) Diesel emission inspection results will be transmitted to the Department via the Internet.

SUBPART D: LEVEL OF RATES AND CHARGES

Section 460.400 Rates and Charges

a) Any and all rates or charges made by the owner of an Official Testing Station for performing a diesel emission inspection shall be established by the Department and shall be just and reasonable. [625 ILCS 5/13-106]

b) A rate or charge is "just and reasonable" if it is the same, or nearly the same, as the prevailing rate or charge for the same or similar test made in the community where the Official Testing Station is located. [625 ILCS 5/13-106]

c) The following rates or charges for an annual diesel emission inspection or reinspection have been determined by the Department to be prima facie just and reasonable rates or charges. These rates were established by the Department, based on the shop rate, journeyman mechanics hourly wage and the CDOT hourly wage at Official Testing Stations in the affected areas.

- 1) Annual Diesel Emission Inspection - Initial Inspection: \$30
- 2) Annual Diesel Emission Inspection - Reinspection(s): \$25
- d) No owner of a station shall charge any rate or charge or schedule of rates or charges unless that charge has been made in accordance with this Part.

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Section 460.410 Rate Change Procedure

a) Every three years, beginning three years from the effective date of this Part, the Department will evaluate the rates charged by Stations for diesel emission inspections. The Department will determine just and reasonable rates or charges for annual diesel emission inspections or reinspections.

b) The following criteria will be used to evaluate the rates to determine if a rate increase is warranted.

- 1) One Official Testing Station's labor (or shop) rate;
- 2) Journeyman mechanics' hourly wage; and
- 3) CDOT hourly wage at Official Testing Stations in the affected areas.

SUBPART E: WARNING NOTICES, OUT-OF-SERVICE ORDER AND ENFORCEMENT

Section 460.500 Diesel Emission Inspection 30-Day Warning Notice

a) If an annual diesel emission inspection reveals that a vehicle is not in compliance with this Part, the owner of the Station or the CDOT shall issue a warning notice requiring correction of the violation. (625 ILCS 5/13-109.1) (See P.A. 91-254, effective July 1, 2000.) The warning notice shall be in the form of a Diesel Emission Inspection 30-Day Warning Notice, as defined in Section 460.110.

b) Corrections shall be made and the vehicle submitted to an emission reinspection at the same Station that previously issued the warning notice within 30 days from the issuance of the warning notice requiring correction of the violation. (625 ILCS 5/13-109.1) (See P.A. 91-254, effective July 1, 2000.)

c) Examples of basic corrections that will improve diesel emission smoke include, but are not limited to, the following:

- 1) Replace air filter element, if needed;
- 2) Check and adjust emission control equipment;
- 3) Check oil level and ensure correct type recommended for your engine;
- 4) Tune up, adjust timing, set valve clearance, rack travel, etc.;
- 5) Ensure correct operation of cooling system;
- 6) Repair restricted/bent exhaust system; and/or
- 7) Ensure good grade of fuel.

Section 460.510 Diesel Emission Inspection Out-of-Service Order

a) If a vehicle has not passed a diesel emission reinspection within 30 days from the receipt of a 30-Day Warning Notice or has not obtained a waiver as prescribed in Section 460.500, the Department shall issue an Out-of-Service Order via certified mail to the person(s) or company owning or operating the vehicle in violation of this Part.

b) The Out-of-Service Order contains information identifying the

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owner/operator of the vehicle, information identifying the specific vehicle being placed out-of-service, the reason for the order, consequences for operating a vehicle that has been declared out-of-service, and a requirement that the vehicle pass a diesel emission reinspection before it may be returned to service.

(c) The vehicle will remain out-of-service until the vehicle passes a diesel emission reinspection or the vehicle's owner/operator obtains a waiver as prescribed in Section 460.400.

Section 460.520 Diesel Emission Inspection Enforcement

a) Operating a vehicle in violation of an out-of-service order is a petty offense punishable by a \$1,000 fine.

b) No emergency vehicle may be placed out-of-service.

c) The Secretary of State, Department of State Police and other law enforcement officers shall enforce this Section. [625 ILCS 5/13-109.1] (See P.A. 91-254, effective July 1, 2000.) The vehicle's owner/operator may be required to present the DECC to the Secretary of State before obtaining annual registration for the vehicle. The Department of State Police and other law enforcement officers may enforce this Section during routine roadside enforcement activities.

SUBPART F: WAIVER REQUIREMENTS, GRIEVANCE AND REPLACEMENT PROCEDURES

Section 460.600 Diesel Emission Inspection Waiver Requirements for Failing Inspection and Reinspection

a) A Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection shall be issued by the Department for a diesel-powered vehicle to its owner/operator who demonstrates that the vehicle meets the applicable waiver requirements of subsection (b) of this Section.

b) A vehicle subject to inspection under this Part that has failed a diesel emission inspection and reinspection shall be eligible for a waiver from meeting the diesel emission requirements of this Part upon prior to the Department of Compliance with all of the following:

- 1) After failing an initial inspection and reinspection, the vehicle has failed to achieve compliance with the applicable vehicle diesel emission standards set forth in this Part.
- 2) A minimum expenditure of \$3,000 in diesel emission related repairs, exclusive of tampering-related repairs, has been made. [625 ILCS 5/13-109.1] (See P.A. 91-254, effective July 1, 2000.)
- 3) The vehicle has received all repairs and adjustments for which it is eligible under any diesel emission performance warranty provisions.
- 4) The vehicle owner/operator certifies to the Department that the diesel emission control devices are present and appear to be

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properly connected and operating.

5) Being conducted by a recognized repair technician, as defined in Section 460.110.

6) Evidence of repair is presented to the Department consisting of signed and dated receipts identifying the vehicle and describing the work performed and amount charged for eligible diesel emission-related repairs. [625 ILCS 5/13-109.1] (See P.A. 91-254, effective July 1, 2000.)

c) If the Department determines that an applicant for a waiver has not complied with all applicable waiver criteria set forth in subsection (b) of this Section, the waiver request will be denied. The Department will provide to the applicant a written statement via U.S. mail containing the reason for the denial.

d) If the Department determines that an applicant for a waiver has complied with all waiver criteria set forth in subsection (b) of this Section, the waiver shall be issued. The Department shall provide the applicant a Diesel Emission Inspection Certificate of Waiver for Failing Inspection and Reinspection via U.S. mail containing a description of the vehicle, including the manufacturer's vehicle identification number, and the issuance date of the waiver. The Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection compliance. Certificates of Waiver do not expire.

Section 460.605 Diesel Emission Inspection Requirements for an Ungoverned Vehicle

a) The owner/operator of a diesel-powered vehicle subject to this Part that was manufactured without a device to govern engine revolutions per minute (RPM) shall be eligible for a diesel emission inspection Certificate of Waiver for an ungoverned vehicle. The diesel-powered vehicle will be exempt from meeting the diesel emission requirements of 625 ILCS 5/13-109.1 upon receipt by the Department of a letter from the vehicle manufacturer or dealer affirming that the vehicle was manufactured ungoverned. The letter must be on paper bearing the letterhead of the manufacturer or dealer of the vehicle in question.

b) If the Department determines that an applicant for a waiver has not complied with the waiver criterion set forth in subsection (a) of this Section, the waiver request will be denied. The Department will provide to the applicant a written statement via U.S. mail containing the reason for the denial.

c) If the Department determines that an applicant for a waiver has complied with the waiver criterion set forth in subsection (a) of this Section, the waiver shall be issued. The Department shall provide the applicant a Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle via U.S. mail containing a description of the vehicle, including the manufacturer's vehicle identification number and the issuance date of the waiver. The Certificate of Waiver must be kept in the vehicle as proof of diesel emission inspection

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compliance. Certificates of Waiver do not expire.

Section 460.610 Grievance Procedures

- a) Any person aggrieved by a decision regarding the failure of a diesel emission reinspection at a Station or the denial of a waiver from the Department may petition the Department, which will investigate the matter.
- b) Grievances shall be filed in writing with the Department no more than 30 days after the decision made by the Department. The grievance shall contain the reason for the grievance; general information about the vehicle (i.e., make, model, and year); and a contact person's name, address and telephone number.
- c) The Secretary or the Secretary's designee will appoint a Department employee to investigate every grievance submitted to the Department in accordance with this Part. The vehicle is declared out-of-service during the duration of the investigation.
- d) The Department's investigation will be concluded within 45 days after the receipt of the grievance by the Department.
- e) Within the 45-day investigation period, the Department will issue written notification to the petitioner and the Official Testing Station, if applicable, indicating the Department's determination as to the correctness or incorrectness of the decision that precipitated the grievance.
- f) The Department's written notification will include a statement of the facts relied upon and technical issues decided by the Department in making its determination. The Department's determination is considered administratively final.

Section 460.620 Replacement of Diesel Emission Inspection Compliance Card

- a) A replacement Diesel Emission Inspection Compliance Card may be obtained by submitting a written request for a replacement card along with a check or money order in the amount of \$5 made payable to: Treasurer, State of Illinois. No cash will be accepted.
- b) The written request must contain general information about the vehicle (i.e., VIN, make, model and year), as well as a contact person's name, address, and telephone number. The replacement Diesel Emission Inspection Compliance Card will expire on the same date the original card was scheduled to expire.
- c) All replacement requests shall be submitted to:

Illinois Department of Transportation
Diesel Emission Inspections
P.O. Box 19212
Springfield, Illinois 62794-9212

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED REPEALER

Heading of the Part: Korean War Memorial Construction Fund

- 1) Heading of the Part: Korean War Memorial Construction Fund
- 2) Code Citation: 95 Ill. Adm. Code 122
- 3) Section Number: 122.10
122.20
122.30
122.40
- 4) Proposed Action: Repeal
Repeal
Repeal
Repeal
- 5) Statutory Authority: P.A. 88-666
- 6) A Complete Description of the Subjects and Issues Involved: The purpose of this Part was to create rules and procedures to govern the granting of funds by the Department to the Grantee for the construction of a Korean Veterans Memorial at Oak Ridge Cemetery in Springfield. The Memorial has been completed for several years. Therefore, the entire Part 122 is repealed.
- 7) Will this proposed repealer replace any emergency rule in effect? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other proposed repealers pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will neither create nor expand a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Please mail written comments to the attention of:

Richard A. Luttrell
833 S. Springfield Street - PO Box 19432
Springfield IL 62794-9432
(217) 785-6083

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

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NOTICE OF PROPOSED REPEALER

1.3) Regulatory agenda on which this rulemaking was summarized: The Department is currently reviewing and examining all agency rules. This repealer is one of a continuing process.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER 1: DEPARTMENT OF VETERANS' AFFAIRS

PART 122

KOREAN WAR MEMORIAL CONSTRUCTION FUND (REPEALED)

Section	Definitions
122.10	Definitions
122.20	Purpose and Scope
122.30	Funding Procedure
122.40	Accounting Requirements

AUTHORITY: Act creating the Korean War Memorial Construction Fund (Public Act 88-560, effective August 4, 1994, Public Act 88-666, effective September 16, 1994) and Public Act 88-551 Article 78, Section 9, effective July 13, 1994.

SOURCE: Emergency Rules adopted at 18 Ill. Reg. 1549, effective September 21, 1994, for a maximum of 150 days; adopted at 19 Ill. Reg. 9190, effective June 23, 1995; repealed at 24 Ill. Reg. _____, effective _____.

Section 122.10 Definitions

"Department" means the Illinois Department of Veterans' Affairs.

"Director" means the Director of the Illinois Department of Veterans' Affairs.

"Grantee" means the Illinois Korean Veterans' Memorial Fund Committee.

Section 122.20 Purpose and Scope

The purpose of this Part is to create rules and procedures to govern the granting of funds by the Department to the Grantee for the construction of a Korean Veterans' Memorial at Oakridge Cemetery in Springfield.

Section 122.30 Funding Procedure

Before any funds are awarded the Grantee will provide the Department with a full accounting of funds raised to date. This report will include:

- a) amounts and sources/categories of all contributions;
- b) amounts and nature of all expenditures from these funds;
- c) balance of funds available;
- d) full and complete scope of work to include plans, design, and estimated costs.

Beginning payment will be matching; i.e. equal amounts of contributed funds

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NOTICE OF PROPOSED REPEALER

with appropriated money. In this method of funding, the contributed funds will be expended with an equal amount of appropriated money to the extent that contributed funds are available.

Section 122.40 Accounting Requirements

- a) The Grantee will keep detailed and concise records of all receipts and expenditures. All financial records will be kept according to the standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants.
- b) All Grantee Records are subject at anytime to an audit by the Department's internal auditor and/or independent CPA firm.
- c) At the end of each quarter the Grantee will submit to the Department a report of funds contributed and sources along with itemized expenditures and balance of funds on hand.
- d) State funds granted under this program are to be used only for expenses associated with the construction of the Illinois Korean Veterans Memorial, including sidewalks and parking lots adjacent to the memorial. State contributions are not to exceed \$450,000.

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS
HEADSTONE, MARKER, OR MEMORIAL MARKER

- 1) Heading of the Part: Rules Governing Payment for Cartage and Erection of Headstone, Marker, or Memorial Marker
- 2) Code Citation: 95 Ill. Adm. Code 102
- 3) Section Number: 102.10
102.20
102.30
- 4) Statutory Authority: 330 ILCS 110/1.1
- 5) Complete Description of the Subjects and Issues Involved: This amendment increases the amount payable from \$50 to \$100. Additionally, payment to monument company officials has been deleted.
- 6) Will this proposed amendment replace any emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Continuing to serve and provide services to all veterans, their dependents and survivors in applying for veterans' benefits due them by reason of their military service.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Please mail written comments on the proposed rulemaking to the attention of:

Richard A. Luttrell
833 S. Spring Street - PO Box 19432
Springfield IL 62794-9432
(217) 785-6033

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business, small municipalities and not-for-profit corporations affected: Small businesses affected by this amendment are cemetery officials.
- B) Reporting, bookkeeping or other procedures required for compliance: The Department will continue to follow current agency policy, procedures and compliance measures.
- C) Types of professional skills necessary for compliance: The Department

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

will utilize current agency staff to comply with this rule.

13) Regulating agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The Department is currently reviewing and examining all agency rules. This amendment reflects the first one in this continuing process.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 95: VETERANS AND MILITARY AFFAIRS

CHAPTER 1: DEPARTMENT OF VETERANS' AFFAIRS

PART 102 RULES GOVERNING PAYMENT FOR CARTAGE AND ERECTION OF HEADSTONE, MARKER, OR MEMORIAL MARKER

The full text of the proposed amendments begins on the next page:

Section	General Rules
102.5	State Payment of Fees
102.10	Limitation in Approval of Fees
102.20	Limitations of Payment
102.30	Limitations of Payment

AUTHORITY: Implementing Section 1.1 of the Veterans Burial Places Act [330 ILCS 110/1.1] and authorized by Section 2(9) of the Department of Veterans Affairs Act [20 ILCS 2805/2].

SOURCE: Adopted at 4 Ill. Reg. 15, P. 264, effective April 4, 1980; codified at 6 Ill. Reg. 8431; amended at 12 Ill. Reg. 14731, effective September 6, 1988; amended at 24 Ill. Reg. _____, effective _____.

Section 102.10 State Payment of Fees

The State of Illinois will pay cartage and erection fees not to exceed \$100.00 per headstone, marker or memorial marker, after the headstone marker or memorial marker has been received and erected. All applications for payment shall be on forms provided by the Department of Veterans' Affairs within the fiscal year (July 1 - June 30) of date marker erected. The form **Form** must contain the following information: name of veteran; serial number; date of birth; date of death; enlistment and discharge dates; branch of service and rank; cemetery (name, address, county); grave number (lot, block, section); nearest relative and the relative's **their** address; designation of type of headstone; claimant's name, address, and social security number or FEIN. Failure to provide this information will prevent the payment for cartage and erection.

(Source: Amended at 24 Ill. Reg. _____) _____, effective _____

Section 102.20 Limitation in Approval of Fees

Approval of cartage and erection fees will be made only for headstones, markers or memorial markers furnished free of cost by the Federal Government for United States War Veterans and erected within the geographical boundaries of Illinois. In cases where the United States Government has issued a replacement marker and acknowledged in writing its **their** responsibility for the error in the original marker inscription, the Department of Veterans' Affairs shall pay \$100.00 for the setting of a second marker if the first marker was erected before the

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

error was discovered. In no event will the Department pay for a second marker setting if the inscription error was made by any person, organization or agency other than the United States Government, and no more than two \$1,000.00 in carriage and erection fees will be paid for a headstone, marker or memorial marker for a veteran.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 102.30 Limitations of Payment

The State of Illinois will pay only for headstone, marker or memorial marker erection erected. The State of Illinois shall pay the \$1,000.00 fee to the next-of-kin (nearest of kindred) OR cemetery official or monument company initial, upon receipt in the War Graves Section of the Department of Veterans' Affairs of a completed and signed application from the person responsible for incurring or paying the costs associated with transporting and erecting a government marker. The next-of-kin (nearest of kindred) must provide a copy of the paid receipt to the Department of Veterans' Affairs showing they have paid the cemetery or monument company official responsible for setting the government marker.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

error was discovered. In no event will the Department pay for a second marker setting if the inscription error was made by any person, organization or agency other than the United States Government, and no more than two \$1,000.00 in carriage and erection fees will be paid for a headstone, marker or memorial marker for a veteran.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section Numbers: 679.20

Amended

Section 3

Amended

Section 4

Amended

Section 5

Amended

Section 6

Amended

Section 7

Amended

Section 8

Amended

Section 9

Amended

Section 10

Amended

Section 11

Amended

Section 12

Amended

Section 13

Amended

Section 14

Amended

Section 15

Amended

Section 16

Amended

Section 17

Amended

Springfield, Illinois 62762

Bureau of Administrative Rules and Procedures
Department of Human Services (217) 785-9772
100 South Grand Avenue East, 3rd. Floor

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

PART 679

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

PART 679

Section	AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 TICS 2405/31.]
679.10	General Provisions
679.20	Composition of the DON
679.30	Scoring of the DON Except for Respite Cases
679.40	Scoring the DON for Respite Cases
679.50	Service Cost Maximums (SCMs)

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 935; emergency amendment at 22 Ill. Reg. 2228, effective January 12, 1998; for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. 16031, effective August 14, 1998, for a maximum of 150 days; emergency expired on January 11, 1999; amended at 23 Ill. Reg. 1615, effective January 20, 1999; amended at 23 Ill. Reg. 149, effective June 17, 1999; emergency amendment at 23 Ill. Reg. 10526, effective August 10, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 285, effective December 22, 1999; amended at 24 Ill. Reg. ~~65~~ **63**, effective ~~May 1, 2000~~.

Section 679.20 Composition of the DON

The DON is comprised of three sections which are:

- a) the Mini-Mental Status Examination section, as developed by the University of Illinois - Chicago, School of Public Health, which is used to determine the individual's cognitive functioning and therefore the ability of the individual to adequately respond to the DON questions about his or her functioning capacity in the completion of the DON. Home Service Program staff may choose to not administer the MMSE if interaction with the customer, during the interview to gather demographic information, reveals no cognitive problems. The Mini-Mental Status Examination section shall not be administered to individuals who:
 - 1) are under 12 years of age or younger; or who have a diagnosis of developmental disability;
 - 2) manifest, or have been diagnosed with, mental retardation or a related condition that results in impairment of a person's general intellectual functioning; or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

3) manifest adaptive behavior and require services similar to an individual with mental retardation.

b) Part A which measures the individual's need for care in the completion of ADLs; and

c) Part B which measures the individual's unmet need for care in the completion of ADLs.

(Source: Amended 1/1/00 at 24 Ill. Reg. 6563 effective 1/1/00)

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3) manifest adaptive behavior and require services similar to an individual with mental retardation.

b) Part A which measures the individual's need for care in the completion of ADLs; and

c) Part B which measures the individual's unmet need for care in the completion of ADLs.

Adopted Action:
Amended

1) Heading of the Part: Sexually Violent Persons

2) Code Citation: 59 Ill. Adm. Code 299

3) Section Numbers:
299.200

4) Statutory Authority: Implementing and authorized by the Sexually Violent Persons Commitment Act [725 ILCS 20].

5) Effective Date of Amendment: April 5, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 29, 1999, 23 Ill. Reg. 13989

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: The following language was added at the end of the previously added language. "Any written agreement shall outline responsibilities assigned to both Parties. The Department shall determine which detention facilities it will use based upon geographic area, space availability of the local officials to participate, and adequacy of the facility to meet the needs of the detained individual.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This amendment adds a provision for the use of county jails as detention facilities for sexually violent offenders. It also sets out the conditions and criteria for the use of such county jails.

16) Information and questions regarding this adopted amendment shall be delivered to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 299

SEXUALLY VIOLENT PERSONS

SUBPART A: GENERAL PROVISIONS

Section

- 299.100 Purpose
- 299.110 Incorporation by Reference
- 299.120 Definitions
- 299.130 Records

SUBPART B: DETENTION AND EVALUATION

Section

- 299.200 Detention Facility
- 299.210 Temporary Detention
- 299.220 Evaluator Standards
- 299.230 Evaluation

SUBPART C: SECURE RESIDENTIAL

Section	299.300	Secure Residential Facility
	299.310	Treatment
	299.320	Periodic Re-evaluation
	299.330	Rights
	299.340	Medical Care
	299.350	Security

SUBPART D: CONDITIONAL RELEASE

Section	299.400	Plans
	299.410	Conditional Release Orders
	299.420	Monitoring
	299.430	Revocation

SUBPART E: NOTIFICATION OF VICTIMS

Section	299.500	Notification of Victims
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SUBPART F: RESIDENT BEHAVIOR MANAGEMENT SYSTEM

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

299-600	Resident Behavior Management System
299-610	Violations of Criminal Law
299-620	Applicability
299-630	Rule Violation
299-640	Preparation of Incident Reports
299-650	Temporary Assignment to Secure Management Status
299-660	Review of Incident Reports
299-670	Consequences for Rule Violation
299-680	Restitution Procedures
299-690	Placement in Secure Management Status
299-700	Secure Management Status Confinement Standards

SUBPART G: RESIDENT GRIEVANCES

Section	299-800	Filing of Grievances
	299-810	Grievance Examiner
	299-820	Grievance Procedures
	299-830	Emergency Procedures
	299-840	Appeals
	299-850	Records

SUBPART H: EVALUATION AND RESEARCH

Section	299-900	Program Evaluation
	299-910	Research
	299-920	Requirements for Submitting Research Proposals
	299-930	Criteria for Approval or Denial of Research Proposals
	299-940	Requirements for Conducting Research Projects

APPENDIX A Rule Violations

AUTHORITY: Implementing and authorized by the Sexually violent Persons Commitment Act [725 ILCS 20].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 19608, effective October 26, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 4231, effective March 23, 1999; emergency amendment at 23 Ill. Reg. 14038, effective November 10, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 6570, effective April 17, 2000.

SUBPART B: DETENTION AND EVALUATION

Section 299.200 Detention Facility

The Department may utilize a secure residential facility as a detention facility. To the extent possible considering operational, programmatic and

DEPARTMENT OF HUMAN SERVICES

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security needs, detained persons shall be kept separate from committed persons. The Department also approves all Illinois Department of Corrections correctional facilities for the detainment of individuals until they complete any term of imprisonment imposed for a criminal conviction or adjudication of delinquency. While in the Department of Corrections, the Department of Corrections remains responsible for their care and custody. The Department also approves the use of a county jail for a detention facility where there is a written agreement between the Department and the county sheriff authorizing such usage. Any written agreement shall outline responsibilities assigned to both parties. The Department shall determine which detention facilities it will use based upon geographic area, space availability, willingness of the local officials to participate, and adequacy of the facility to meet the needs of the detained individual.

(Source: Amended at 24 Ill. Reg. 6567, effective April 5, 2000.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hospital Licensing Requirements2) Code Citation: 77 Ill. Adm. Code 2503) Section Numbers:
250.720
 Adopted Action:
 Amendments4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]5) Effective date of amendments: April 11, 2000
6) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain any incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal was published in Illinois Register: October 15, 1999,
23 Ill. Reg. 1257910) Has JCAR issued a Statement of Objection to these amendments? No11) Difference between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period: No changes were made in response to comments. The following changes were made in response to comments and suggestions of the JCAR: No changes were requested by JCAR. In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.13) Will these amendments replace emergency amendments currently in effect? No14) Are there any other amendments pending on this part? Yes
Section Numbers Proposed Action Ill. Reg. Citation
250.435 Amendments 24 Ill. Reg. 410215) Summary and purpose of the amendments: The requirements governing emergency services are being revised to expand the types of policies and procedures that hospitals must establish concerning the acceptance and care of emergency patients. Hospitals will be required to establish policies for rendering emergency service to individuals who are in the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

hospital's emergency department, individuals who are in the hospital but away from the emergency department, and individuals who are within proximity to the hospital.

16) Information and questions regarding these adopted amendments shall be directed to: Paul Thompson
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
rules@dph.state.il.usThe full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

250.940	Job descriptions
250.950	Nursing committee
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section	Surgery Staff
250.1120	Policies & Procedures
250.1120	Surgical privileges
250.11240	Surgical Emergency Care
250.11250	Operating Room Register and Records
250.11260	Surgical Patients
250.11270	Equipment
250.11280	Safety
250.11290	Operating Room
250.11300	Visitors in Operating Room
250.11310	Cleaning of Operating Room
250.11320	Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section	Anesthesia Service
250.1400	RECORDS AND REPORTS
Section	Medical Records
250.1510	Reports
250.1520	

SUBPART M: FOOD SERVICE

SUBPART Q: CHRONIC DISEASE HOSPITALS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section	Dietary Department Administration
250.1610	Facilities
250.1630	Menus and Nutritional Adequacy
250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section	Housekeeping
250.1710	Garbage, Reuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section	Applicability of other parts of these regulations
250.1810	Maternity and Neonatal Service (Perinatal Service)
250.1820	General Requirements for all Maternity Departments
250.1830	Discharge of Newborn Infants from Hospital
250.1840	Rooming-In Care of Mother and Infant
250.1850	Special Programs
250.1860	Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS--HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section	Maintenance
250.1910	Emergency electric service
250.1920	Water Supply
250.1930	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1940	Grounds and Buildings Shall be Maintained
250.1950	Sewage, Garbage, Solid Waste Handling and Disposal
250.1960	Plumbing
250.1970	Fire and Safety
250.1980	

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 250.2110 Definition Requirements
250.2120 Personnel Required
250.2130 Facilities for Services
250.2140 Pharmacy and Therapeutics Committee

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

SUBPART S: PSYCHIATRIC SERVICES

Section 250.2110 Applicability of other parts of these Regulations
250.2220 Establishment of a Psychiatric Service
250.2230 The Medical Staff
250.2240 Nursing Service
250.2250 Allied Health Personnel
250.2260 Staff and Personnel Development and Training
250.2270 Admission, Transfer and Discharge Procedures
250.2280 Care of Patients
250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section 250.2410 Applicability of these Standards
250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430 Preparation of Drawings and Specifications -- Submission Requirements
250.2440 General Hospital Standards
250.2450 Details
250.2460 Finishes
250.2470 Structural
250.2480 Mechanical
250.2490 Plumbing and Other Piping Systems
250.2500 Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section 250.2610 Applicability of these Standards

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 250.2620 Codes and Standards
250.2630 Existing General Hospital Standards
250.2640 Details
250.2650 Finishes
250.2660 Mechanical
250.2670 Plumbing and Other Piping Systems
250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND SPECIAL SERVICE UNITS

Section 250.2710 Special Care and/or Special Service Units
250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section 250.2810 Applicability of Other Parts of These Requirements
250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
250.2830 Classification and Definitions of Service and Programs
250.2840 General Requirements for all Hospital Alcoholism Program
250.2850 The Medical and Professional Staff
250.2860 Medical Records
250.2870 Referral
250.2880 Client Legal and Human Rights

ILLUSTRATION A Seismic Zone Map
APPENDIX A Codes and Standards (Repealed)
EXHIBIT A Codes and Standards (Repealed)

EXHIBIT B Standards (Repealed)

EXHIBIT C Addresses of Sources (Repealed)

TABLE A Measurements Essential for Level I, II, III Hospitals
TABLE B Sound Transmission Limitations in General Hospitals
TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)

TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)

TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air
TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas
TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 8].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of

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150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978; For a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended 150 days; Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 255, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 326, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7836, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective April 4, 1983 and April 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective May 1, 1983; amended at 7 Ill. Reg. 694, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 1752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1985; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 13842, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1611, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996; For a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3922, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999; for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 65 72, effective APR 1 1 2000.

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section 250-720 General Requirements

- a) Each hospital shall provide adequate facilities for the provision of immediate life saving measures.
- b) Policies and procedures governing the acceptance and care of emergency patients shall be established. These shall be in accordance with the category of emergency services established in the hospital. Specific policies shall be adopted and implemented in regard to rendering emergency care in the hospital's emergency department, in the hospital but away from the emergency department, and within proximity to the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

hospital. In developing these policies, the hospital shall take into consideration any available national or state guidelines on the standard of practice in this area. These policies shall be included as a part of any initial employee orientation/training and shall be reviewed annually with staff.

c) An appropriate record shall be maintained on each patient who presents himself or herself for emergency services.

d) Appropriate supplies and equipment shall be available and in readiness for use.

e) This Section ~~These~~—regulations shall not be construed to affect hospital-patient arrangements regarding payment for care.

(Source: Amended at 24 Ill. Reg. 65 72, effective APR 1 1 2000)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Electronic Filing of Illinois Individual Income Tax Returns

2) Code Citation: 86 Ill. Adm. Code 105

3) Section Numbers: 105.100
105.110
105.120
105.210
105.220
105.230
105.340
105.500
105.510
105.515
105.520
105.600
105.610
105.700
105.1000
105.1010

4) Statutory Authority: 35 ILCS 5/501

5) Effective Date of Amendments: April 10, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register: November 29, 1999, 23 Ill. Reg. 1399

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

13) Will these amendments replace emergency amendments currently in effect?

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Are there any amendments pending on this Part? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking updates the provisions for electronic filing of income tax returns to simplify compliance with, and administration of, the rules.

16) Information and questions regarding these adopted amendments shall be directed to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-9996

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 105 ELECTRONIC FILING OF ILLINOIS INDIVIDUAL INCOME TAX RETURNS

SUBPART A: ELECTRONIC RETURNS

Section 105.100 Composition of an Electronic Return
 105.110 Exclusions from Electronic Filing
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SUBPART J: MONITORING AND SUSPENSION

Section 105.1000 Monitoring
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AUTHORITY: Implementing and authorized by the Illinois Income Tax Act [35 ILCS 5/1] and Section 39c-1a of the Civil Administrative Code of Illinois [20 ILCS 2505/39c-1a].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 445, effective January 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 7031, effective May 3, 1993; amended at 17 Ill. Reg. 1818, effective October 4, 1993; emergency amendment at 19 Ill. Reg. 1139, effective January 18, 1995, for a maximum of 150 days; emergency expired June 16, 1995; amended at 21 Ill. Reg. 2626, effective February 3, 1997; amended at 24 Ill. Reg. 65.82, effective April 10, 2000.

SUBPART A: ELECTRONIC RETURNS

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Section 105.100 Composition of an Electronic Return

a) Except as provided in subsection (d), an electronic return consists of data transmitted to the Department electronically, and paper documents that contain information which cannot be electronically transmitted or are requested for verification; for example, taxpayer signatures and Forms W-2. In total, electronic returns contain the same information as traditionally filed paper documents.

b) The following forms and schedules can be transmitted electronically:

- 1) IL-1040 Illinois Individual Income Tax Return, Schedule NR Nonresident and Part-Year Resident Computation of Illinois Tax (Individual),
- 2) W-2 Wage and Tax Statement,
- 3) W-3C Statement for Certain Gambling Winnings,
- 4) W-3C Statement from Profit-Sharing, Retirement Plans, Individual Retirement Arrangements, Insurance Contracts, Etc.,
- 5) 1099-R Total Distributions from Profit-Sharing, Retirement Plans, Individual Income Tax Return, and
- 6) US 1040 or 1040A U.S. Individual Income Tax Return, and
- 7) US Schedule B or Schedule D Dividend Income.

c) The non-electronic portion of the return consists of the following:

- 1) Form IL-8453, Illinois Individual Income Tax Electronic Filing Declaration; required for all electronic returns (see Subpart E of this Part);
- 2) Copy 2 of Forms W-2, W-2G or 1099-R that would normally be attached to the front of a paper return. These must be attached to the front of Form IL-8453.

AGENCY NOTE: Substitute wage and tax statement forms (U.S. 4852 or IL-4852) cannot be submitted in lieu of Forms W-2, W-2G, and 1099-R.

3) Required support of IL-1040 line entries for other additions or military pay subtraction, and other information documents that are voluntarily being included with the return by the taxpayer as supporting material. These documents must be attached to the back of Form IL-8453, and

4) A copy of the paper tax return signed by the paid preparer when the electronic filer transmits return that was prepared by another tax preparer. This must be attached to the back of the IL-8453.

d) For purposes of IL-1040 electronic filing an on-line electronic return consists of data transmitted to the Department electronically as described in subsection (b). In addition, an on-line electronic return must include the Illinois Personal Identification Number(IL-PIN) assigned to the taxpayer by the Department. If married filing jointly, the return must also contain the IL-PIN assigned to the taxpayer's spouse. The IL-PIN is used as the taxpayer signature in lieu of the signature on Form IL-8453. No paper Form IL-8453 is required to be completed for an on-line return.

(Source: Amended at 24 Ill. Reg. 6582, effective

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Section 105.110 Exclusions from Electronic Filing

The following types of returns are excluded from electronic filing:

a) Returns from individuals or firms who have not been accepted as electronic return originators (EROs) or transmitters (see Section 105.200);

b) Returns requiring forms or schedules not listed in Section 105.100(b). These exclusions can be identified by amounts on the following IL-1040 return lines:

1) Other Subtractions

2) Credit for Taxes Paid to Other States

3) Tax Credits from Schedule 1299-C

4) IL-2210 Penalty;

c) Returns that include Internal Revenue Service (IRS) or Illinois forms 4852, or any other substitute wage and tax statement used to verify withholding;

d) Returns that require attachments other than IRS Form 1040 or 1040A, Page 1, to verify IL-1040 subtractions for federally taxed retirement and Social Security;

e) Returns that require attachments other than IRS Schedule B or Schedule 1, to verify IL-1040 subtractions for U.S. government obligations; f) Decedent returns, including joint returns filed by surviving spouses;

g) Fiscal year returns;

h) Prior year returns;

i) Amended or corrected returns;

j) Returns with dollars and cents entries (only whole dollar amounts will be accepted); and

k) Returns containing more than:

1) 1 Schedule NR

2) 20 W-2s

3) 30 W-2Gs

4) 10 1099-Rs

5) 30 statements; and

l) On-line returns of individual taxpayers that do not have a Department assigned IL-PIN.

(Source: Amended at 24 Ill. Reg. 6582, effective

Section 105.120 Where to Send Electronic Returns

a) Electronic IL-1040 returns will be transmitted to the communications processor in the Illinois Department of Revenue in Springfield, Illinois. The telephone number will be provided to accepted transmitters; as the taxpayer signature in lieu of the signature on Form IL-8453. No paper Form IL-8453 is required to be completed for

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an on-line return. When requested, Forms IL-8453 and attachments for accepted electronic IL-1040 returns must be mailed to:

Regular Mail or Overnight Mail
Illinois Dept. of Revenue
Exception Processing Division
P.O. Box 15479
Springfield IL 62794-9479
101 W. Jefferson St.
Springfield IL 62702

(Source: Amended at 24 Ill. Reg. 6582 effective April 1, 2001)

SUBPART B: ELECTRONIC FILING PARTICIPANTS

105.210 Types of Electronic Filers

(a) An electronic filer is a collective term referencing all participants in the program. An electronic filer can be included in one or more of the categories defined in Section 105.200. The categories are specific to the functions performed.

(b) An electronic filer can be one or more of the following business types:

1) Preparer – prepares the return and computes the tax based on the information that the taxpayer provides;

2) Software Firm – writes software that it uses or sells for the purpose of formatting electronic returns and/or transmitting them directly to the Department's communications processor;

3) Service Bureau – takes tax returns from accepted electronic filers and formats electronic returns, but does not collect returns directly from taxpayers or transmit returns directly to the Department's communications processor;

4) Transmitter – provides services for direct transmission to the Department's communications processor; and

5) Electronic Return Collector – takes prepared returns directly from taxpayers for the purpose of having electronic tax returns produced. An electronic return collector may be a for-profit or a not-for-profit organization in the private or public sector that chooses to provide electronic filing services. Examples include employers providing the service to their employees or a university providing electronic return collection services to the student body;

6) On-line Software Developer – writes software that it provides to individual taxpayers through an internet site or a commercially purchased package. For the purpose of formatting on-line electronic returns and accepting those returns from taxpayers for transmission by an on-line transmitter and

Section 105.210 Types of Electronic Filers

a) An electronic filer is a collective term referencing all participants in the program. An electronic filer can be included in one or more of the categories defined in Section 105.200. The categories are specific to the function(s) performed.

b) An electronic filer can be one or more of the following business types:

- 1) Preparer – prepares the return and computes the tax based on the information that the taxpayer provides;
- 2) Software Firm – writes software that it uses or sells for the purpose of formatting electronic returns and/or transmitting them directly to the Department's communications processor;
- 3) Service Bureau – takes tax returns from accepted electronic filers and formats electronic returns, but does not collect returns directly from taxpayers or transmit returns directly to the Department's communications processor;
- 4) Transmitter – provides services for direct transmission to the Department's communications processor; and
- 5) Electronic Return Collector – takes prepared returns directly from taxpayers for the purpose of having electronic tax returns produced. An electronic return collector may be a for-profit or a not-for-profit organization in the private or public sector that chooses to provide electronic filing services. Examples include employers providing the service to their employees or a university providing electronic return collection services to the student body; or
- 6) On-line Software Developer – writes software that it provides to individual taxpayers through an internet site or commercially purchased packages. For the purpose of formatting on-line electronic returns and accepting those returns from taxpayers for transmission by an on-line transmitter and

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7) On-line transmitter accepts returns, directly from individual taxpayers using software from an internet site or a commercially purchased package, for the purpose of having an electronic tax return produced and transmitted. An on-line transmitter provides services for direct transmission to the Department's communications processor, or to the IRS for the Federal/State Electronic Filing.

(Source: Amended at 24 Ill. Reg. 6562 effective

Section 105 220 Waves to participate in electronic bidding

Electronic filers can choose to perform all the functions associated with electronic filing and be electronic return originators, transmitters, and software developers or they can choose to use the services of another accepted electronic filer (third party) to participate in the electronic filing program. For example:

- , or take prepared tax returns for the purpose of having electronic returns produced (electronic return collector).
- b) An electronic return originator can develop software to format returning information to conform with the Department specifications (software developer), purchase a software product to perform this function, or use a service bureau to perform this function.
- c) An electronic return originator can write the software to transmit the

formal returns directly-to-the-Bureau (software developer), purchased a software product to transmit to-the-Bureau (transmitter), or use a third-party transmission service that transmits directly-to-the-Bureau.

AGENCY NOTE: An electronic originator who transmits through a third party is not categorized as a transmitter.

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Section 105-230 Responsibilities of Electronic Filers

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electronic filer. Each entity will be treated as an electronic return originator and have the same responsibilities.

d) Electronic filers who charge a fee for the electronic transmission of the return must not base the fee on a percentage of the refund amount.

e) Electronic filers must not charge a separate fee for direct deposit.

f) Electronic filers must not stopfile returns for electronic transmission prior to receiving official acceptance into the program or at any time while participating in the program.

f) Electronic filers must submit a revised application to the Department to update the information contained on their most current application (Form IL-8633) or information update form (EFS-15) when there are changes such as:

- 1) the firm name or doing business as (DBA) name(s),
- 2) any address, telephone or contact representative,
- 3) the electronic filing functions performed, or
- 4) the organization's ownership.

g) Electronic filers must ensure electronic returns are filed in a timely manner. The receipt date of the electronic transmission will constitute the receipt date of the return if it is acknowledged as accepted by the Department. Any return acknowledged as rejected by the Department will be considered not filed. In order to timely filed, a return must be received by April 15. Any late-filed electronic returns transmitted to the Department must be received prior to midnight on April 22. The Department's communications processor will not accept return transmissions after that time. However, the communications processor will be available for the transmitter to retrieve acknowledgement files through April 29. Any return filed on April 22 and not acknowledged as accepted must be filed on paper.

h) Electronic filers must immediately contact the Office of Electronic Filing if an acknowledgement has not been available after 36 hours from the transmission of the return.

i) Electronic filers cannot recall or intercept electronically filed IL-1040 returns after the returns have been acknowledged as accepted. If the electronic filer or the taxpayer wishes to change any entries after a return has been accepted, a paper amended return, Form IL-1040-X, must be filed with the Department. (Also see 86 Ill. Adm. Code 100.9400(f)(3).)

j) Electronic filers who function as electronic return originators as defined in Section 105.200(a) must:

- 1) Comply with the procedures for securing Form IL-8453, Taxpayer Declaration, as outlined in Subpart E of this Part;
- 2) Input and transmit the taxpayer's address from Forms W-2, W-2G, and 1099-R (or any other transmitted form) if the address is different than the taxpayer's address in the electronic portion of the IL-1040;
- 3) Furnish copies of the signed Form IL-8453 and non-electronic portion of the electronic IL-1040 returns to the taxpayers and

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advise them of the information in Subpart G of this Part;

4) Furnish every taxpayer that has a balance due return with Form IL-1040-W, IL-1040-X, Form IL-8453 and Voucher for Individual Income Tax;

5) Inform every taxpayer that has a balance due return that it is the responsibility of every taxpayer to make full and timely payment of any tax that is due. Failure to make full payment of any tax that is due on or before April 15 will result in the imposition of interest and penalties;

6) Retain the following material until December 31 of the filing year, unless otherwise notified by the Department:

- A) Copies of all the material furnished to the taxpayers;
- B) A copy of any the signed Form IL-8453 and Forms W-2, W-2G, and 1099-R mailed to the Department;
- C) Copies of the electronically transmitted material as defined in Section 105.100(b). These copies may be retained on magnetic media; and
- D) The acknowledgement files received from the Department or from third-party transmitters. These files may be retained on magnetic media;

AGENCY NOTE: Electronic return originators who are also paid preparers of the electronic tax return must retain materials as required by the Illinois Income Tax Act (ITA.)

7) Identify the paid preparer in the appropriate fields of the electronic IL-1040 return, and ensure the paid preparer's signature is included on (or with) the Form IL-8453.

k) Electronic filers who function as transmitters as defined in Section 105.200(b) must:

- 1) Transmit electronic IL-1040 returns and retrieve acknowledgement files in a timely manner. Acknowledgement files will normally be available within 24 hours after transmission. If the acknowledgement files are not retrieved within five days, the Department will contact the transmitter;
- 2) Match the acknowledgement files to the original transmission file. Returns acknowledged as accepted will be considered filed returns. Returns acknowledged as rejected must be corrected and re-transmitted, if possible. Returns that cannot be re-transmitted must be filed on paper form IL-1040;
- 3) Contact the Office of Electronic Filing for assistance if returns have been rejected after three attempts, or if acknowledgments are received for returns that were not in the original transmission;
- 4) Ensure the security and confidentiality of all transmitted data;
- 5) Not use software that has a Department assigned production password built into the software;
- 6) Follow the instructions provided in Subpart H of this Part, Transmission Procedures; and
- 7) Retain copies of all the acknowledgement files received from the

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Department. These may be retained on magnetic media. This material should be retained until December 31 of the filing year unless notified otherwise by the Department.

1) In addition to the provisions of subsection (k), transmitters who are transmitting on-line electronic returns must:

1) Ensure that they do not transmit, or accept for transmission,

more than five on-line returns originating from one software package or from one e-mail address;

2) Ensure that they use only an IRS assigned Electronic Filing Transmitter Identification Number (ETIN) assigned for use in on-line filing when transmitting on-line returns, and that each on-line return contains an on-line ETIN;

3) Ensure that they do not combine, within the same transmission file, to the Department, on-line electronic returns with traditional electronic returns;

4) Enter the letter "O" in the "Trans Record #8" as the "Transmission Type Code" when transmitting on-line returns directly to the Department, or enter the letter "O" in Field Number "049" of the "Indicators Section" in the "Generic Record" when transmitting on-line returns to the IRS for Federal/State Electronic Filing;

5) Include the taxpayer IL-PIN in the on-line electronic return. Married persons filing joint returns must include both the primary and spouse IL-PIN. Returns received without the IL-PIN(s) will be rejected;

6) Match acknowledgments to original returns transmitted, and notify the taxpayer of the status of the on-line return. This must be done, either through electronic means within two work days after acknowledgement retrieval, or by mailing written notification within one work day after acknowledgement retrieval;

7) Notify the taxpayer of acceptance or rejection by the Department of an on-line electronic return. If accepted, the transmitter must provide the taxpayer the date of acceptance and the Declaration Control Number (DCN) of the return. The DCN is a 14 position serial number assigned to each electronic return. If rejected, the transmitter must provide the taxpayer the date of rejection, what the reject code(s) mean, and how the taxpayer can correct the error(s). In addition, the taxpayer must be instructed to file a paper return if he/she chooses not to be contacted the return and retransmit, or if the return is excluded from electronic filing; and

8) Retain copies of the electronically transmitted material as required in Section 105.10(b) until December 31 of the filing year. These copies may be retained on magnetic media;

¶) transmitters who provide transmission services to other electronic files must also:

1) Accept electronic IL-1040 returns for transmission to the Department's communications processor only from electronic filers

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accepted in the Illinois program; and

2) Provide each of their clients with the acknowledgement files for their transmitted returns within 24 hours after receipt of the acknowledgments from the Department. Failure to comply could lead to suspension from the program (see Section 105.10(l)).

¶) Electronic filers who function as software developers as defined in Section 105.20(c) must:

1) Correct software errors that cause electronic returns to be rejected. Correct these errors quickly to ensure the timely transmission of electronic returns;

2) Expediently distribute corrections to all electronic filers utilizing these products;

3) Ensure that if their software products will be used for transmitting by multiple electronic filers at the same time, their software has the capability of combining returns from these electronic filers into one Department transmission file, taking into account the declaration Control Number assignments and requirements specified in Section 105.510; and

4) Not incorporate into its software a Department assigned production password.

¶) In addition to the provisions of subsection (n), software developers who write software for on-line electronic filing must:

1) Provide assistance as needed to taxpayers using their software;

2) Ensure that the software package cannot be used to transmit more than five on-line electronic returns;

3) Ensure that the software, if available through an internet site, cannot be used to file more than five on-line electronic returns from one e-mail address;

4) Ensure that the software informs taxpayers that an IL-PIN must have been received by the taxpayer from the Department, and provided in the return by the taxpayer, in order to file an Illinois on-line electronic return. If an on-line return is received without the IL-PIN(s), it will be rejected by the Department;

5) Ensure that the software contains Form IL-1040-V, IL-1040 Payment Voucher for Individual Income Tax that can be printed and used by the taxpayer to make payment to the Department. In addition, the software must inform the taxpayer that it is the responsibility of every taxpayer to make full and timely payment of any tax that is due. Failure to make full payment of any tax that is due on or before April 15 will result in the imposition of interest and penalties;

6) Ensure that the software informs taxpayers that direct deposit is available for Illinois returns from electronic returns, and that direct deposit information transmitted cannot be rescinded or changed after the on-line returns are accepted by the Department;

7) Ensure that, if the taxpayer selects direct deposit, the routing transit number (RTN) of the financial institution designated by the

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taxpayer meets specific criteria. The ETIN must contain nine digits, and the first two digits must fall within the valid ranges of 01 through 12 or 21 through 32, and contains an on-line consent to disclosure statement equivalent in content to the taxpayer declaration from Form IL-8433. The statement must include direct deposit authorization, as applicable. The software must prompt the taxpayer to provide his/her IL-PIN as a signature to the statement. The IL-PIN is used in lieu of the written taxpayer signature on Form IL-8433, which is not required for an online electronic return. The IL-PIN must be included within the on-line electronic return.

(Source: Amended at 24 Ill. Reg. 115-3, effective 1-1-00)

SUBPART C: APPLICATIONS

Section 105.340 EFIN and ETIN Assignments

- a) The Department will require the participants in this electronic filing program to be participants in good standing in the IRS program.
 - 1) ~~EFIN-Assignments-each applicant-an Electronic-Filing Identification-Number-tB#N#-this same~~ The EFIN will be used in the Illinois program and must be included on the application. An Illinois EFIN will be assigned upon special request.
 - 2) The IRS assigns an Electronic-Transmitter-Identification-Number (ETIN) and a password to each software developer and transmitter. The same EFIN will be used in the Illinois program and must be included on the application. However, a separate password will be issued by Illinois.
 - 3) The EFINs, ETINs and Illinois passwords cannot be transferred and must be kept secure.
- b) EFINs are assigned based on the IRS district office that serves the area where the applicant is located. The EFIN is used in the construction of the Declaration Control Number (DCN) and indicates the identity of the electronic return originator.
 - c) ETINs are assigned based on the IRS service center where the federal transmissions will be sent. The ETIN and Illinois password allow access to the Department's communications processor and identify the transmitter. During the testing phase, a test password will be assigned that ~~used~~-which allows access only to the test environment. A different password will be assigned for production transmission. Participants functioning solely as software developers will only be allowed to use their ETIN ~~and~~ password in the test environment. They will only be assigned a test password. This ETIN and password will not be accepted ~~used~~ in the production environment.

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Notice of Adopted Amendments (Source: Amended at 24 Ill. Reg. 65-82, effective 1-1-00)

SUBPART E: IL-8453 ILLINOIS INDIVIDUAL INCOME TAX
ELECTRONIC FILING DECLARATION

Section 105.500 Purpose

a) Form IL-8453 is the signature portion of the return. It must be completed and signed by all appropriate parties before the return is transmitted electronically. Form IL-8453 serves the following purposes:

- 1) Authenticates the return;
- 2) Serves as a transmittal for the associated non-electronic documents that will be stapled to the declaration and sent to the Department, when requested. Section 105.100(c) lists documents and forms to be attached to Form IL-8453;
- 3) Authorizes the electronic return originator to file the return electronically on behalf of the taxpayer;
- 4) Provides the taxpayer authorization to have the refund directly deposited as designated on the form and transmitted to the originator, or the transmitter, that the taxpayer's return has been accepted or rejected. When rejected, authorizes the Department to inform the electronic return originator or the transmitter that the taxpayer's return has been accepted or rejected. When rejected, authorizes the Department to identify the reasons for rejection.
- 5) Authorizes the Department to inform the electronic return originator, or the transmitter, that Form IL-8453 does not serve as a power of attorney or as a substitute for the information required on the electronic tax return.

b) Form IL-8453 cannot be used to submit forms or schedules which are not listed in Section 105.100. Returns requiring forms that are excluded from electronic filing must be filed on a paper Form IL-1040.

(Source: Amended at 24 Ill. Reg. 65-82, effective 1-1-00)

Section 105.510 Instructions

a) Sequence of events and general information

- 1) An electronic return originator prepares the return, computes the tax based on the information the taxpayer provides, and accepts the return for the purpose of electronic filing; or collects prepared tax returns for the purpose of electronic filing.
- 2) After the return has been prepared and before the return is transmitted electronically, the taxpayer must verify the information in the electronic portion of the return. In addition, the taxpayer must verify the information on Form IL-8453, including the routing transit and account numbers if direct deposit is authorized, and sign the Form IL-8453. Both signatures are required on a joint return. A file copy of the

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prepared return must be provided to the taxpayer at the time of the signature. The copy should be retained by the taxpayer, and not be forwarded to the Department.

3) Practitioners are prohibited from allowing taxpayers to sign a blank tax return. A blank Form IL-8453 is the same as a blank tax return. After, electronic return originators are also prohibited from allowing taxpayers to sign a blank IL-8433.

4) After Form IL-8453 has been completed and signed by the taxpayer, the electronic return originator, and preparer (if applicable), the transmitter will send the electronic portion of the return to the Department in accordance with the file specifications in the IL-1346.

5) By transmitting the electronic portion of the return, the electronic filer is confirming that the IL-8453 has been accurately completed and signed.

6) When requested, electronic filers must mail IL-8453s within 24 hours after receipt of written request from the Department acknowledging receipt of the corresponding returns were accepted unless otherwise authorized by Section 165-511.

7) Beginning on the first day of the electronic filing season, and daily thereafter through the filing period, the electronic return originator will retain ~~most~~ IL-8453s to the Department unless otherwise requested by the Department, authorized by Section 165-515. The electronic return originator must retain forms for all electronic returns that have been acknowledged as accepted by the Department.

8) If a return is acknowledged as rejected and the IL-8453 must be held until the return is successfully re-transmitted, if the return cannot be re-transmitted, the IL-8453 shall be destroyed and any withholding forms shall should be retained to attach to a paper Form IL-1040.

9) Receipt of IL-8453s requested by the Department will be closely monitored by the Department. If an IL-8453 is missing 14 days after request by the Department, receipt of the electronic IL-1040 return, the electronic return originator will be contacted. If the electronic return originator does not provide the Department with a Form IL-8453 that includes the taxpayer's original signature and withholding forms after the electronic return originator is contacted, the taxpayer will be notified.

AGENCY NOTE: If excessive amounts of forms with the ERO to obtain missing Form IL-8453, the ERO may be subject to suspension from the Illinois electronic filing program.

b) Completing and mailing Form IL-8453

- 1) ~~the Declaration-Contract-Number-(BEN) is a 14-position serial number assigned to each electronic return.~~ The DCN must be clearly printed or typed (one position per box) in the spaces provided at the top of each Form IL-8453. The DCN must match the DCN of the accepted electronic return.

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- 2) ~~if-the-taxpayer-received-a-mailing-label-from-the-Department-efits-to-the-name-and-address-area-of-Form-IL-8453--Mark-through-any-errors-on-the-label-and-print-the-correct-information-on-the-label--Type-Otherwise-type~~ or print the taxpayer's name, address, and social security number in spaces provided on the form--Form IL-8433. The name, address, and Social Security number must be the same as the name, address, and Social Security number on the electronic IL-1040 return.
- 3) Tax Return Information must be completed. Enter only whole dollar amounts. These amounts must match the corresponding entries on the electronic IL-1040 return.
- 4) If the taxpayer authorizes to have the refund directly deposited, direct deposit of refund information must be completed. The direct deposit information on Form IL-8453 must be the same as the direct deposit information transmitted in the electronic IL-1040.
- 5) The Declaration and Signature of Taxpayer must contain the taxpayer's original signature(s). Electronic return originators must obtain the signature(s) from their clients prior to transmitting the electronic return to the Department. The electronic return originator will be contacted for missing taxpayer signatures on any IL-8453s received by the Department. If an IL-8453 providing original taxpayer signature(s) is not received after the electronic return originator is contacted, the taxpayer will be notified.
- 6) AGENCY NOTE: If excessive contacts with the ERO are required, the ERO may be suspended from the program.
- 7) The Declaration and Signature of Electronic Return Originators and Signature of Paid Preparer must be completed and signed by the electronic return originator and the paid preparer. When the electronic return originator and the paid preparer are the same entity, the paid preparer box must also be checked. When the electronic return originator and the paid preparer are different, a copy of the IL-1040, signed by the preparer, must be attached to the IL-8453. A collector who is not the preparer of the return but collected the return for electronic filing (transmission) purposes must sign as the electronic return originator and date the declaration, enter the firm's name and address, enter the firm's FEIN, and provide the firm's telephone number. There is no requirement to provide a Social Security number in this case.
- 8) Forms W-2, W-2G, and 1099-R must be attached to the front of the IL-8453 (bottom left). The electronic return originator will be contacted if these forms are missing from any IL-8453s received by the Department. If a replacement IL-8453 providing the withholding forms (originals or copies) is not received by the Department after the electronic return originator is contacted, the taxpayer will be notified. IRS or Illinois forms 4852, or

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any other substitute wage and tax statement, cannot be attached to the IL-8453 (or submitted later) in lieu of Forms W-2, W-20, or 1099-R. (See Section 105.110(c), Exclusions from Electronic Filing.)

AGENCY NOTE: If excessive contacts with the ERO are required to obtain missing withholding forms, the ERO may be subject to suspension from the Illinois electronic filing program.

8) ~~Where~~ IL-843s, if mailed to the Department, should be secured by paper clip, rubber band or string in quantities of 100 or less, they should be in ascending order by DSN. Each IL-8453 should consist of the non-electronic portion of the tax return as detailed in Section 105.100(c), Composition of an Electronic Return.

9) Mail in either envelopes or cartons to one of the addresses listed below:

Regular Mail or Overnight Mail
Illinois Dept. of Revenue
Exceptions Processing Division
P.O. Box 19419
Springfield, IL 62794-9479
101 W. Jefferson St.
Springfield IL 62702

(Source: Amended at 24 Ill. Reg. 65-82, effective
APR 10 2000)

Section 105.515 IL-8453 Retaining Program

a) Electronic filers who function as electronic return originators (EROS) as defined in Section 105.200(a) are ~~may~~—be authorized by the Department to participate in the IL-8453 retaining program, unless otherwise notified by the Department. Participation in the program allows ~~authorized~~ EROS to maintain Forms IL-8453 and associated documents, rather than submitting them to the Department. Selected Forms IL-8453 may be periodically requested in writing by the Department from participating EROS for monitoring purposes.

b) ~~In writing by the Department each electronic filing session~~
~~Participating EROS must:~~
1) Continue to accurately complete Forms IL-8453 according to Section 105.510. All Forms IL-8453 and associated documents retained are subject to the Department's right of inspection or production for Department review without prior notice.

2) Submit selected Forms IL-8453 and associated documents as requested in writing by the Department. The Department's written request will provide the ERO special mailing instructions for submission of requested forms.

c) Authorization to participate in the IL-8453 retaining program may be

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

rescinded at any time if the ERO fails to provide requested Forms IL-8453, or if review of the forms provided reveals that the ERO is not in compliance with the requirements set forth in this Part. If an ERO's authorization to participate is rescinded, the ERO will be required to submit all Forms IL-8453 retained up to the time of notification that they will no longer be allowed to participate, and all future Forms IL-8453.

(Source: Amended at 24 Ill. Reg. APR 10 2000)

Section 105.520 Corrections

a) If the ERO makes changes to the electronic return after Form IL-8453 has been completed and signed by the taxpayer but before it is transmitted, the ERO must have the taxpayer sign a corrected Form IL-8453 if either of the following applies:
1) The net income differs from the amount on the electronic tax return by more than \$50 \$45; or
2) The tax, the withholding amount, the overpayment amount, or total amount due differs from the amount on the electronic tax return by more than \$14 \$9.

b) Non-substantive changes are limited to corrections within the above tolerances for arithmetic errors, transposition errors, misplaced entries, and spelling errors. The incorrect information should be neatly lined through on the Form IL-8453 and the correct data entered next to the lined through entry. Also, enter the initials or name of the person making the correction.

c) Dropping cents and rounding to whole dollars do not constitute substantive change or alteration to the return unless the amount differs by more than the above tolerances.

(Source: Amended at 24 Ill. Reg. APR 10 2000)

Section 105.525 BALANCE DUE RETURNS AND DIRECT DEPOSIT OF REFUNDS

SUBPART F: BALANCE DUE General Information

a) The taxpayer is responsible for submitting payment of any balance due to the Department. Electronic return originators must provide the taxpayer with Form IL-1040-V, IL-1040 Payment Voucher for Individual Income Tax Payment—Voucher—Form IL-1040-V, at the time the taxpayer signs the IL-8453 for the balance due return.

b) Electronic return originators must inform taxpayers with balance due returns that payment of taxes due must be made to the Department no later than April 15 of the filing year. Failure to make full payment by this date will result in the imposition of interest and penalties.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 24 Ill. Reg. 65-8-2, effective APR 10/2011)

Section 105.610 Direct Deposit General Information

a) Qualifying taxpayers may authorize their tax overpayments to be directly deposited into their savings or checking accounts with financial institutions, rather than receive paper refund checks. The authorization must be made by providing the appropriate information in the electronically filed IL-1140 return and on Form IL-8453 (or equivalent). The Department will ordinarily process an authorization for direct deposit, but reserves the right to initiate a paper refund check. The following conditions may cause the Department to not process a direct deposit:

- 1) Taxpayer owes back taxes, either individual or business (refund offset);
- 2) Taxpayer has certain State or federal delinquent debt, such as child support, student loans, etc. (refund offset);
- 3) Estimated tax payments reported on the return do not match the estimated tax payments recorded on the Department's master file;
- 4) Taxpayer is claiming an unallowable or improperly supported deduction or credit; and
- 5) An electronic return is accepted with a valid Social Security number that belongs to another taxpayer; and
- 6) The account information received is not processable by the Department.

c) The Department is not responsible for the misapplication of a direct deposit that is caused by error, negligence or malfeasance on the part of the taxpayer, electronic filer, financial institution, or any of their agents.

(Source: Amended at 24 Ill. Reg. 65-8-2, effective APR 10/2011)

SUBPART G: INFORMATION ELECTRONIC FILERS MUST PROVIDE TO THE TAXPAYER

Section 105.700 Information and Material to be Provided to the Taxpayer

a) The electronic return originator or on-line software developer must furnish the taxpayer with a copy of the electronic material described in Section 105.100(b). This information can be on copies of official Department forms or on forms designed by the electronic filer. If the latter, data entries must refer to the line numbers on official Department forms. This material should be provided to the taxpayer at the time the taxpayer signs the Form IL-843. For on-line electronic returns, this material should be provided to the taxpayer at the time the taxpayer provides his/her IL-PIN as signature to the on-line

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

consent to disclosure statement.

b) The electronic return originator must also provide the taxpayer with a copy of the entire non-electronic portion of the return.

c) In addition, the electronic return originator should advise the taxpayer to retain copies of the following materials:

- 1) Their copy of Forms W-2, W-2G, or 1099-R;
- 2) Any other documents that are not required by the Department, but are voluntarily being included with the return by the taxpayer as supporting material; and

3) A copy of the signed Form IL-8453.

d) Electronic return originators or on-line software developers should advise taxpayers that their electronic returns will be processed by the Department and that the taxpayer's copy should not be forwarded to the Department. However, amended returns, if needed, must be filed as paper returns and mailed to the Department.

e) If a return is rejected and cannot be successfully re-transmitted, the electronic return originator must immediately advise the taxpayer that the return was not electronically filed and the taxpayer must file a paper IL-1040 return.

f) The electronic return originator or on-line software developers should advise the taxpayer to wait six to eight weeks from the acknowledgement date before making an official inquiry about his refund. After this time has elapsed, the taxpayer can contact the Department's Taxpayer Assistance Office.

g) Taxpayers generally contact the Department if they have not received their refund within eight weeks. The taxpayer may be asked for the DSN of the return and the date the Department acknowledged the return as accepted. The electronic return originator must, upon request, provide the taxpayer with this information.

(Source: Amended at 24 Ill. Reg. 65-8-2, effective APR 10/2011)

SUBPART J: MONITORING AND SUSPENSION

Section 105.1000 Monitoring

a) The Department will monitor advertising and other practices of electronic filers. If the situation warrants, the Department will issue a warning letter describing specific corrective action for deviations from advertising standards, as described in Subpart I of this Part, or other practices. If the deviation is not corrected, a letter of suspension will be issued. In extreme cases, a filer can be suspended immediately from the program without a warning letter. The suspension will remain in effect until the Department determines that the deviations have been corrected.

b) The Department will monitor the timely receipt, completeness and legibility of Forms IL-8453 requested and received. If requested

DEPARTMENT OF REVENUE

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forms are not received, or, if the forms received are consistently received late, incomplete or inaccurate, the electronic filer will receive a warning from the Department or, in extreme cases, a letter of suspension from the program.

c) The Department will monitor the quality of filers' transmissions and returns throughout the filing season. If the quality is unacceptable, the electronic filer will be contacted and may receive a warning from the Department or, in extreme cases, a letter of suspension from the Department or, in extreme cases, a letter of suspension from the program.

d) The Department will also monitor complaints about electronic filers and issue warning or suspension letters as appropriate.

(Source: Amended at 24 Ill. Reg. 65 § 2 - 3, effective 6/1/2000)

Section 105.1010 Suspension

The Department reserves the right to suspend the electronic filing privilege of any electronic filer who varies from the requirements, specifications, and procedures stated in this Part, or who does not consistently transmit error-free returns. When suspended, the electronic filer will be advised of the requirements for reinstatement into the program. The following conditions could lead to warning letters and/or suspension from the program. This list is not all-inclusive:

- a) Conviction of any criminal offense arising from a violation of the Illinois tax statutes or the revenue laws of the United States, or any offense involving dishonesty or breach of trust;
- b) Failure to file timely and accurate tax returns, both business and personal;
- c) Failure to pay personal or business tax liabilities;
- d) Assessment of penalties under any of the provisions of the Illinois Income Tax Act;
- e) Suspension/disbarment from practice before the IRS;
- f) Material misrepresentation on an application;
- g) Unacceptable format quality of individual transmissions;
- h) Unacceptable error rate;
- i) Violation of advertising standards;
- j) Unethical practices in return preparation;
- k) Untimely receipt, illegible, missing or inappropriate substitutes of Forms IL-8453 requested or received by the Department;
- l) Stockpiling returns prior to official acceptance into the program or at any time while participating in the program;
- m) Failure of transmitters to provide Preparer clients with acknowledgement files within 24 hours after receipt from the Department;
- n) Significant complaints about an electronic filer.

(Source: Amended at 24 Ill. Reg. 65 § 2 - 3, effective 6/1/2000)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Child Care2) Code Citation: 89 Ill. Adm. Code 50

Emergency Action:

New Section

New Section

4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code (303 ILCS 5/Arts. I through IX and 12-13).5) Effective Date of Amendments: April 5, 20006) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable7) Date filed with the Index Department: April 5, 20008) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection:9) Reason for Emergency: This rulemaking authorizes the Department of Human Services to check on the background of child care arrangements not subject to licensing and withhold payments if the background check indicates serious findings. It is important to the health, welfare and safety of the children involved that the Department be authorized, as soon as possible, to make these checks and take the appropriate actions.10) A. Complete Description of the Subject and Issues: These proposed amendments implement Child Abuse and Neglect Tracking System (CANTS) checks for licensed exempt child care providers.11) Are there any other amendments pending on this Part: No12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.13) Information and questions regarding these amendments shall be directed to:

Ms. Susan Weis, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

4) Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section 50.101 Incorporation by Reference
50.110 Participant Rights and Responsibilities
50.120 Notification of Available Services
50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

50.210 Child Care
50.220 Method of Providing Child Care
50.230 Child Care Eligibility Criteria
50.245 Income Eligibility Criteria
50.240 Qualified Provider
50.250 Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

50.310 Fees for Child Care Services
50.320 Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section 50.410 Provider Eligibility
EMERGENCY
50.420 Payment for Child Care Services
EMERGENCY

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 66 04, effective April 5, 2000, for a maximum of 150 days.

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section 50.410 Provider Eligibility

EMERGENCY

a. As a condition of eligibility to receive a State subsidy for providing child care services to eligible families, all licensed, exempt child care providers under the Child Care Act of 1969 must agree, in writing, to a background check in the Central Register as defined in the Abused and Neglected Child Reporting Act [325 ILCS 5/].

b. Providers subject to the background check include:

- 1) Child care centers exempt from licensing;
- 2) Child care homes exempt from licensing;
- 3) Relative child care in the home of the relative;
- 4) Non-relative child care in the home of the child; and
- 5) All staff at a child care center and all persons age 13 and older at child care homes or child care in the home of a relative are subject to background check.

c. Providers and individuals who are not indicated in the Central Register must agree, in writing, to a background check every two years.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 66 04, effective April 5, 2000, for a maximum of 150 days)

Section 50.420 Payment for Child Care Services

EMERGENCY

a. The Department will withhold or discontinue payments to licensed exempt child care providers when one or more findings against the provider are indicated in the Central Register.

b. The Department will reimburse providers for child care services provided through the effective date of cancellation for an indicated finding. The effective date of cancellation is 10 days from the date of the letter the Department or its agent sends to the provider notifying the provider that payments will no longer be made.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 66 04, effective April 5, 2000, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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Exempt Organizations
Exemptions
Extensions
Failure to File: See Penalties
Failure to Pay: See Penalties
(Also See Base Income, Capital Gains (Losses), Combined Unitary Returns, Net Operating Loss and Net Operating Loss Deduction)
Net Operating Loss and Net Operating Loss Deduction
Nexus: See Public Law 86-272/Nexus Nonbusiness Income
Nonresidents: See Residency/Nonresidency
Notice and Demand: See Notices
Notices
Nuclear Decommissioning
Trusts
Overpayments: See Refunds
Partnerships
Payments:
Payroll Factor: See Apportionment Penalties
Failure to File (ITA S1001)
Failure to File Withholding Returns (ITA S1004)
Failure to Pay Estimated Tax (ITA S804)
Fraud (ITA S1002)
Reasonable Cause (ITA S1001)
Underpayment of Tax (ITA S1005)
Other Rulings
(Not Included Above)
Pensions
(Also See Subtraction Modifications)
Political Organizations
Professional Athletes
Property Factor: See Apportionment Property Tax: See Subtraction Modifications
Real Estate Investment Trusts

fications
Net Income (Loss) and Net Loss Deduction (ITA S207)
Other Rulings
(Not Included Above)
Regulated Investment Companies
Replacement Tax
Requirements of Requests for General Information Letters
Requirements of Requests for Private Letter Rulings
Residency/Nonresidency Returns
Residency/Nonresidency
Composite Return Rulings: See Those Readings)
Amended Returns
Due Dates
Requirements to File
Short Period Returns
Other Rulings
(Not Included Above)
S Corporations
Sales Factor: See Apportionment Sales Outside the Ordinary Course of Business (Bulk Sales)
Seizure
Separate Accounting: See Alternative Apportionment
Signature
Statute of Limitations: See Assessment, Collection, Deficiencies
Refunds
Subtraction F Income: See Subtraction Modifications
Subtraction Modifications
Subtraction Modifications
Subtraction Modifications
Bond Premium Amortiation
Enterprise and Foreign Trade Zones
Illinois Tax Refund
Interest on U.S. Government Obligations

1999 SECOND QUARTER SUNSHINE INDEX

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

Reasonable Cause: See Penalties
Refunds (Also See Subtraction Modifications)
Statute of Limitations
Qualified Pension Plans
Real Estate Taxes
Subpart F Income
Transportation Services
Valuation Limitation
Other Rulings
(Not Included Above)
Taxability in Other States
Taxable year
Transfers
(Also See Sales Outside the Ordinary Personal Service Contracts (ITA S1405.2)
Course of Business (Bulk Sales)
Transportation Services: See Apportionment
Trusts
Uniform Penalty and Interest Act
Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.
The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, and 1996 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:
Margaret Forth
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
217/782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 FOURTH QUARTER SUNSHINE INDEX

ADDITION MODIFICATIONS - INTEREST

IT 99-0099-GIL 12/15/1999 General Information Letter: Taxation of municipal bonds discussed.

ALLOCATION

IT 99-0082-GIL 10/10/1999 General Information Letter: Paid leave-of-absence, if not deductible as paid under a qualified retirement plan, is determined to be compensation paid in this State under the same tests as used for ordinary wages or salary.

APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 99-0009-PUR 11/02/1999 Private Letter Ruling: Taxpayer engaged in the business of purchasing customer accounts receivable from affiliated corporations is a sales finance company required to apportion its business income as a financial organization. Interest received from Illinois customers at the taxpayer's lockbox in Illinois will be included in the Illinois numerator.

IT 99-0012-PUR 12/22/1999 Private Letter Ruling: Newly-formed subsidiary will be a sales finance company which cannot be combined with non-financial organizations.

IT 99-0013-PUR 12/23/1999 Private Letter Ruling: Subsidiary is a sales finance company which cannot be combined with non-financial organizations.

BASE INCOME

IT 99-0088-GIL 11/08/1999 General Information Letter: Gain or loss on conversion of a common trust fund to a regulated investment fund not recognized for federal income tax purposes will not be recognized for Illinois income tax purposes.

IT 99-0096-GIL 12/03/1999 General Information Letter: Reimbursement for commuting expenses excluded from federal adjusted gross income is similarly excluded from Illinois base

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income.

COMBINED UNITARY RETURN

IT 99-0010-PLR 12/08/1999 Private Letter Ruling: Unitary business group changing method of accounting for income of members not using the common taxable year are not subject to limitation of net loss carryforwards of such members to year of change.

COMPOSITE RETURNS

IT 99-0095-GIL 12/03/1999 General Information Letter: Composite returns may not be filed on behalf of multiple trusts.

CREDITS - TRAINING EXPENSE

IT 99-0086-GIL 11/04/1999 General Information Letter: General information on the training expense credit.

EXEMPTIONS

IT 99-0085-GIL 11/02/1999 General Information Letter: Illinois follows federal income tax determination of whether or not a person is a dependent.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 99-0006-PUR 10/25/1999 Private Letter Ruling: Exempt organizations described in ITA Section 205(a) do not add back their federal net operating loss deductions and are not entitled to an Illinois net loss.

PAYMENTS

IT 99-0094-GIL 12/01/1999 General Information Letter: Due dates for electronic funds transfer payments explained.

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PUBLIC LAW 86-272/NEXUS

IT 99-0087-GIL 11/05/1999 General Information Letter: Taxpayer doing business in Illinois and having nexus is required to register and file tax returns.

REFUNDS - STATUTE OF LIMITATIONS

IT 99-0091-GIL 11/19/1999 General Information Letter: Corporation that fails to file a return forfeits any overpayment of taxes for that year, and the Department has no obligation to detect failure and notify the taxpayer in time to file a return claiming a refund or credit for the overpayment.

RESIDENCY/NONRESIDENCY
IT 99-0097-GIL 12/07/1999 General Information Letter: General definition of resident.

SUBTRACTION MODIFICATIONS - MILITARY

IT 99-0092-GIL 11/30/1999 General Information Letter: Taxpayer must prove facts entitling him to the subtraction claimed on his return for active duty military pay.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 99-0084-GIL 10/27/1999 General Information Letter: Illinois Development Finance Authority bonds are exempt from Illinois income taxation, while Illinois State Sales Tax Bonds are not.

IT 99-0093-GIL 12/01/1999 General Information Letter: Income deemed received from Qualified Zone Academy Bonds issued by the Illinois Development Finance Authority is excluded from net income under 20 ILCS 3505/7.61.

IT 99-0011-PLR 12/20/1999 Private Letter Ruling: Income deemed received from Qualified Zone Academy Bonds issued by the Illinois Development Finance Authority is excluded from net income under 20 ILCS 3505/7.61.

SUBTRACTION MODIFICATIONS - PENSIONS

IT 99-0083-GIL 10/21/1999 General Information Letter: Disability income is not deductible unless paid under a qualified retirement plan or a government disability plan.

WITHHOLDING

IT 99-0089-GIL 11/12/1999 General Information Letter: Employer maintaining an office or transacting business in Illinois is require to withhold Illinois income tax from compensation paid in Illinois to its employees.

IT 99-0090-GIL 11/16/1999 General Information Letter: Employer maintaining an office or transacting business in Illinois is require to withhold Illinois income tax from compensation paid in Illinois to its employees.

WITHHOLDING - OTHER RULINGS

IT 99-0098-GIL 12/08/1999 General Information Letter: W-2 retention requirements.

IT 99-0100-GIL 12/28/1999 General Information Letter: Duty to withhold taxes from wages paid to employees temporarily in the State.

IT 99-0101-GIL 12/28/1999 General Information Letter: Duty to withhold taxes from prize monies at athletic events in this State.

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1999 FOURTH QUARTER SUNSHINE INDEX

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 4, 2000 through April 10, 2000 and have been scheduled for review by the Committee at its May 16, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second
Notice
Agency and Rule
Expires

Court of Claims, Court of Claims
Regulations (74 Ill Adm Code 790)

5/18/00 2/18/00 5/16/00

24 Ill Reg
2536

5/19/00 2/18/00 5/16/00

Department of Natural Resources, The
Taking of Wild Turkeys-Spring Season
(17 Ill Adm Code 710)

24 Ill Reg
2577

5/19/00 2/18/00 5/16/00

Department of State Police, Sex Offender
Registration Act (20 Ill Adm Code 1280)

24 Ill Reg
2636

5/19/00 2/18/00 5/16/00

Department of State Police, Child Sex
Offender and Murderer Community
Notification Law (20 Ill Adm Code 1282)

24 Ill Reg
2628

5/20/00 1/7/00 5/16/00

Office of the Treasurer, Capital Crimes
Litigation Trust Fund (74 Ill Adm Code
725)

24 Ill Reg
221

5/20/00 1/7/00 5/16/00

Office of the Treasurer, Procurement (44
Ill Adm Code 1400)

24 Ill Reg
223

PROCLAMATIONS

2000-161

CERTIFIED NURSE ASSISTANT WEEK

WHEREAS, Illinois has more than 200,000 Certified Nurse Assistants; and WHEREAS, Certified Nurse Assistants working in long-term care facilities provide compassionate care for residents and their families; and WHEREAS, Certified Nurse Assistants provide nearly 90 percent of the direct nursing care given to residents in long-term care facilities; and WHEREAS, Certified Nurse Assistants are "specialists in the Art of Caring" for tens of thousands of frail and elderly citizens of Illinois; and WHEREAS, Certified Nurse Assistants help restore residents to their highest functioning level;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1-7, 2000, as CERTIFIED NURSE ASSISTANT WEEK in Illinois.
Issued by the Governor March 23, 2000.
Filed by the Secretary of State April 4, 2000.

2000-162

LONG-TERM CARE NURSES WEEK

WHEREAS, Long-Term Care Nurses have committed themselves to provide the highest quality care to the young, old and disabled; and WHEREAS, Long-Term Care Nurses are faced with ever increasing medical demands to rehabilitate and provide the best possible quality of life for their residents; and

WHEREAS, more than 1,000 licensed and extended care facilities look to Long-Term Care Nurses for support and leadership; and WHEREAS, the Illinois Health Care Association representing more than 500 Illinois long-term care providers, along with the Long-Term Care Nurses Association, will observe May 7-12, 2000, as Illinois Long-Term Care Nurses Week;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7-12, 2000, as LONG-TERM CARE NURSES WEEK in Illinois.
Issued by the Governor March 23, 2000.
Filed by the Secretary of State April 4, 2000.

2000-163

NURSING HOME WEEK

WHEREAS, the elderly residents of long-term care facilities have led exceptional and extraordinary lives which have made this State great; and WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged and chronically ill citizens; and WHEREAS, this dedication has been demonstrated through continual striving to upgrade standards of care and improve service; and

WHEREAS, the Illinois Health Care Association is contributing to "A Celebration of Life" activities in observance of National Nursing Home Week beginning May 14, 2000;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 14-20, 2000, as NURSING HOME WEEK in Illinois.

Issued by the Governor March 23, 2000.
Filed by the Secretary of State April 4, 2000.

2000-164

ADMINISTRATIVE PROFESSIONALS WEEK

WHEREAS, the professionals and administrative professionals contribute to Illinois' strong economic climate; and

WHEREAS, administrative professionals in business, education, and government increase productivity; and

WHEREAS, administrative professionals in business, education, and government play an essential part in the day-to-day operation of the workplace; WHEREAS, Governor of the State of Illinois, proclaim

WHEREAS, I, George H. Ryan, Governor of the State of Illinois, April 23-29, 2000, as ADMINISTRATIVE PROFESSIONALS WEEK in Illinois.

Issued by the Governor March 24, 2000.

Filed by the Secretary of State April 4, 2000.

2000-165

AFRICA WEEK

WHEREAS, the African Student Council at Southern Illinois University Carbondale is celebrating the cultural, social, and educational contributions of Africa; and

WHEREAS, SUUC has 85 students representing 26 African countries, and ranks within the top 50 of the nation's universities for the enrollment of African students; and

WHEREAS, the African Student Council is sponsoring Africa Week 2000 from April 10-14 to offer cultural exhibitions and activities;

WHEREAS, I, George H. Ryan, Governor of the State of Illinois, April 10-14, 2000, as AFRICA WEEK in Illinois.

Issued by the Governor March 24, 2000.

Filed by the Secretary of State April 4, 2000.

2000-166

ILLINOIS CONGRESS OF PARENTS AND TEACHERS DAY

WHEREAS, the Illinois Congress of Parents and Teachers was founded in Evanston, Illinois, in 1900 as the Illinois Congress of Mothers and became the fourth state to join the National Congress of Parents and Teachers; and

WHEREAS, on May 30, 2000, the Illinois Congress of Parents and Teachers will be celebrating 100 years of:

* promoting the welfare of children and youth

* seeking adequate laws for the care and protection of children and youth

* seeking the highest advantages in physical, mental, social and spiritual education; and

WHEREAS, the Illinois Congress of Parents and Teachers provides programs to benefit children and youth through cultural arts experiences, field trips and partnering with teachers, administrators and school boards to help develop policy affecting curriculum, discipline, textbook selection, school safety and

funding for public education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 30, 2000, as ILLINOIS CONGRESS OF PARENTS AND TEACHERS DAY in Illinois.

Issued by the Governor March 24, 2000.

Filed by the Secretary of State April 4, 2000.

2000-167

MUSEUM DAY

WHEREAS, museums throughout Illinois are dedicated to promoting cultural development through special activities or programs, and acquiring, conserving, preserving, studying, interpreting, enhancing, enriching, and in particular, organizing, organizing specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic import to the public for its enlightenment and enjoyment; and WHEREAS, museums play a critical role in enhancing education by providing vital services that supplement the learning process of Illinois school children and that stimulate creative educational partnerships between museums and schools; and

WHEREAS, museums serve as statewide national and international attractions that represent special opportunities for tourism and economic development to enrich the quality of life for all citizens; and

WHEREAS, Illinois' celebrated museums as places to acquire knowledge and as places that provide leisure, pleasure and entertainment for all ages;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 29, 2000, as MUSEUM DAY in Illinois.

Issued by the Governor March 24, 2000.

Filed by the Secretary of State April 4, 2000.

2000-168

PHI BETA SIGMA FRATERNITY DAYS

WHEREAS, the Phi Beta Sigma Fraternity was founded in 1914 on the campus of Howard University; and

WHEREAS, the Phi Beta Sigma Fraternity established as its motto "Culture for Service, and Service for Humanity"; and

WHEREAS, the Phi Beta Sigma Fraternity has established 659 chapters of undergraduate and graduate members around the world; and

WHEREAS, the Upsilon Sigma Chapter was established in Chicago in 1923; and WHEREAS, these members have worked in the African American community of Chicago promoting education, business development and social responsibility among young men; and

WHEREAS, on April 27-30, 2000, the members of Upsilon Sigma Chapter of Phi Beta Sigma Fraternity will host their 77th Great Lakes Regional Conference; and WHEREAS, young men and women will receive training to three national programs: social action, education, and bigger and better business; the members of Phi Beta Sigma will continue to demonstrate the high ideals of brotherhood, scholarship and service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 27-30, 2000, as PHI BETA SIGMA FRATERNITY DAYS in Illinois.

Issued by the Governor March 24, 2000.

Filed by the Secretary of State April 4, 2000.

**2000-169
TOWARDS A BETTER UNDERSTANDING WEEK**

WHEREAS, in early 1990, Sean Boylan of Monaghan, Ireland, organized a Rotary District 1160 (The Republic of Ireland and Northern Ireland, UK) Committee of Mutual Understanding with a statement of principle; and

WHEREAS, at about the same time Michael Shaw, member of the Highland Park Rotary Club and founder/first Chairperson of Rotary International's Peace Program Staff for Conflict Resolution, convinced the Rotary International Peace Program staff that it was time to move from talk to action and that District 1160 should become the model for conflict resolution projects; and

WHEREAS, the Rotary International Foundations sponsored Shaw's fact finding mission to District 1160 taking into account of various points of view from many different people, coupled with a necessary identification of Rotarians and others who could carry on potential opportunities; and

WHEREAS, about a year later, the "Towards A Better Understanding" program was initiated, consisting of six projects: the Glebe House (cross community dialogue in Northern Ireland), unemployment assistance, the written word, business involvement, volunteerism, and schools; and

WHEREAS, since spring 1992, student winners of the written work projects from District 1160, Highland Park, Deerfield and inner-city Chicago (1993) have exchanged visits each year to study conflict resolution in actual situations; and

WHEREAS, during 1995, the TABU written word (essay) contest was extended to Chicago Public High School System (122,000) students, receiving a major newspaper editorial endorsement; and

WHEREAS, TABU student exchanges to study conflict resolution continue, sponsored by the Highland Park and Belfast Rotary Clubs; and

WHEREAS, on April 1-10, 2000, another delegation visits for a similar week-long program. The students will speak at the Highland Park Rotary Club luncheon while they spend the day at Highland Park High School on April 3;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, April 1-10, 2000 as TOWARDS A BETTER UNDERSTANDING WEEK in Illinois. Issued by the Governor March 24, 2000.

Filed by the Secretary of State April 4, 2000.

**2000-170
WELCOME HOME DAY**

WHEREAS, the people and the State of Illinois in conjunction with the Welcome Home Day Foundation, acknowledge the courage, sacrifice, honor, and positive achievements of our nation's Vietnam veterans and their families, and firmly represent that we proudly welcome them home; and

WHEREAS, more than 300,000 veterans were wounded; 75,000 men and women severely disabled; and, of the 58,000 killed, 2,934 were from the State of Illinois; and

WHEREAS, the Welcome Home Day Foundation was founded by non-veterans who believe that the civilian population of the United States and their families (and their families) recognition, honor, and a proper welcome home; and

WHEREAS, the mission of this organization is to correct the untrue stereotypes of the Vietnam veteran and to organize a one-time national event around October 2000 where the people of the United States undeniably welcome

these veterans home;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2000 as WELCOME HOME DAY in Illinois.

Issued by the Governor March 24, 2000.

Filed by the Secretary of State April 4, 2000.

**2000-171
AMERICAN POW RECOGNITION DAY**

WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action; and

WHEREAS, American prisoners of war have often suffered unconscious treatment despite international codes of conduct, and many have died as a result of cruel and inhumane acts by enemy captors; and

WHEREAS, it is fitting that we recognize the sacrifices of American Prisoners of War and those missing in action; and

WHEREAS, the Illinois Department of Veterans Affairs will host an ex-POW Recognition Day ceremony on April 8, 2000, at the Governors Executive Mansion in Springfield to honor our American soldiers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 9, 2000, as AMERICAN POW RECOGNITION DAY in Illinois.

Issued by the Governor March 27, 2000.

Filed by the Secretary of State April 4, 2000.

**2000-172
ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVAB) AWARENESS YEAR**

WHEREAS, providing our students with information to help them determine their educational and vocational goals will benefit all citizens; and

WHEREAS, the Armed Forces of the United States utilizes the Armed Services Vocational Aptitude Battery (ASVAB) to determine the capabilities of young people interested in entertaining the military; and

WHEREAS, the ASVAB is offered by the Department of Defense in schools throughout Illinois at no cost or obligation and provides a good vocational aptitude index; and

WHEREAS, ASVAB results can be used to determine the vocational and academic aptitude of our students and provide counselors and teachers with information vital to guiding and facilitating student learning;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim 2000 as ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVAB) AWARENESS YEAR in Illinois.

Issued by the Governor March 27, 2000.

Filed by the Secretary of State April 4, 2000.

**2000-173
CHILD ABUSE PREVENTION MONTH**

WHEREAS, child abuse is a community problem and finding solutions depends on involvement among people throughout the State of Illinois; and

WHEREAS, approximately 107,000 children are reported abused and neglected in the State of Illinois each year; and

WHEREAS, the effects of child abuse are felt by whole communities and need

to be addressed by all communities throughout the entire State of Illinois; and WHEREAS, effective child abuse prevention programs succeed because of partnerships created among government entities, social service agencies, schools, religious and social organizations, law enforcement agencies and businesses; and

WHEREAS, all citizens throughout Illinois should become more aware of the negative effects of child abuse and its prevention within all communities, and become involved in supporting parents to raise their children in safe, nurturing environments; and

WHEREAS, if all citizens, community agencies, religious organizations, medical facilities and businesses increase their participation in statewide and local efforts to prevent child abuse, they will thereby strengthen not only their own communities, but also the entire State of Illinois;

THE THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2000 as CHILD ABUSE PREVENTION MONTH in Illinois.

Issued by the Governor March 27, 2000.

Filed by the Secretary of State April 4, 2000.

DAY OF PRAYER

WHEREAS, prayer has aided us when support and guidance is needed; and WHEREAS, the history of our country has been shaped by leaders who voluntarily called upon a higher power whether the need be great or small; and WHEREAS, the citizenry of Illinois is a diverse people, with nearly every nation and a variety of religious traditions represented; and

WHEREAS, it is fitting that we should give thanks to the freedom and prosperity which our nation and State enjoys; and

WHEREAS, the State of Illinois and the United States of America can and will benefit from prayer;

THE THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 4, 2000, as a DAY OF PRAYER in Illinois and encourage the return of strong moral character in the lives of the people of Illinois and throughout the world.

Issued by the Governor March 27, 2000.

Filed by the Secretary of State April 4, 2000.

ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY

WHEREAS, for the past 41 years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, D.C., for approximately 60 outstanding Illinois high school students who are selected on the basis of essay and youth leadership contests sponsored by member cooperatives; and

WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their Federal government in action during the "Youth to Washington" tour June 16-23, 2000; and

WHEREAS, in an effort to provide a broader educational experience for more students throughout the State, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our State Capitol on April 12, 2000, for 250 to 300 contest finalists;

THE THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 12, 2000, as ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois.

Issued by the Governor March 27, 2000.

Filed by the Secretary of State April 4, 2000.

MARITIME DAY

WHEREAS, National Maritime Day has been observed since 1933, marking the date of the first successful Atlantic crossing by a ship using steam propulsion; and

WHEREAS, today we honor the American Merchant Marine, whose men and women served in time of war and peace, contributing to the waterborne commerce of our state and nation; and

WHEREAS, men and women from each of our states who are serving in the American Merchant Marines are honored on this day each year along with many seamen who lost their lives in the World Wars and those who served with such courage and dedication in the Korean, Vietnam, and Persian Gulf conflicts; and

WHEREAS, these ocean-going merchant ships greatly benefit the economic standing of Illinois by carrying their cargoes through the Great Lakes and its inland waterways; and

WHEREAS, the Propeller Club of the United States, with 63 member clubs throughout the country, annually celebrates this day with a variety of functions;

THE THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2000, as MARITIME DAY in Illinois.

Issued by the Governor March 28, 2000.

Filed by the Secretary of State April 4, 2000.

U.S. SUBMARINE FORCE DAY

WHEREAS, the Submarine Force of the United States was founded with the purchase of the U.S.S. Holland on April 11, 1900; and

WHEREAS, after the attack on the U.S. forces at Pearl Harbor, Hawaii, on December 7, 1941, submarine forces destroyed 1,314 enemy ships in World War II, which accounts for 55 percent of all enemy ships lost in World War II; and

WHEREAS, 16,000 United States Submariners served with courage during World War II, and seven United States Submariners were awarded Congressional Medals of Honor for their distinguished gallantry in combat above and beyond the call of duty; and

WHEREAS, in achieving an impressive World War II record, the submarine force suffered the highest casualty rate of any combatant submarine force of warring alliances, losing 375 officers and 3,131 enlisted men in 52 submarines; and

WHEREAS, from 1948 to 1955, the Submarine Force, with leadership provided by Admiral Rickover and others, developed an industrial base in a new technology, training program submersives, designed and built a prototype reactor, establishing a submarine training program submersives then took to sea the world's first nuclear-powered submarine, the U.S.S. Nautilus (SSN571), thus providing America undersea superiority; and

WHEREAS, the United States Navy, with leadership provided by Admiral "Red" Raborn, developed the world's first operational Ballistic Missile Submarine,

which provided an invaluable asset to our Nation's Strategic Nuclear Deterrent capability, and contributed directly to the eventual conclusion of the cold war; and

WHEREAS, in 2000, the Submarine Force provides the United States Navy with the ability to operate around the world, independent of outside support, from the open ocean to the littorals, carrying our multi-mission taskings on tactical, operational, and strategic levels; and

WHEREAS, the State of Illinois commends the Submarine Force of the United States Navy on the 100th Anniversary of the founding of the Submarine Force;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 11, 2000, as U.S. SUBMARINE FORCE DAY in Illinois.

Issued by the Governor March 28, 2000.

Filed by the Secretary of State April 4, 2000.

2000-178 CAMP PENUEL DAY

WHEREAS, Camp Penuel is an organization that provides a free camping experience to inner-city and underprivileged children from throughout Illinois and the Midwest; and

WHEREAS, Camp Penuel has given thousands of children the opportunity to enjoy the beauties of nature and learn about the outdoors; and

WHEREAS, Camp Penuel has been providing children from communities in Chicago, East St. Louis, Quincy and other areas with a wholesome camping experience for more than 20 years; and

WHEREAS, Camp Penuel is having its Annual Spring Scholarship Banquet on April 8, 2000; and

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 8, 2000, as CAMP PENUEL DAY in Illinois.

Issued by the Governor March 28, 2000.

Filed by the Secretary of State April 4, 2000.

2000-179 CHILDREN'S DAY

WHEREAS, teddy bears have been a beloved symbol of Americana ever since they were first created in response to President Theodore Roosevelt's rescue of a cuddly bear on a hunting trip in Mississippi; and

WHEREAS, teddy bears were instantly and uniquely popular with American children and have remained so for almost a century; and

WHEREAS, teddy bears possess a special kind of comfort by befriending and assisting children during times of stress and uncertainty; and

WHEREAS, organizations of teddy bear collectors known as Good Bears of the World, has been very active in distributing teddy bears to troubled and disadvantaged children; and

WHEREAS, an outstanding example of this charitable impulse is exemplified by Children's Day in Illinois; and

WHEREAS, each Children's Day teddy bear wore a red ribbon with an 800 number in the hope that the information may help to keep the child's family from further domestic violence; and

WHEREAS, during Illinois' Children's Day, teddy bears were also distributed to hundreds of grateful children in local hospitals;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2000, as CHILDREN'S DAY in Illinois.

Issued by the Governor March 29, 2000.

Filed by the Secretary of State April 4, 2000.

2000-180 DONALD WRIGHT DAY

WHEREAS, in the summer of 1964, Donald C. Wright became a second generation firefighter following his father and brothers by joining the Mt. Zion Fire District as a volunteer firefighter; and

WHEREAS, Donald graduated from Mt. Zion High School in 1966, joined the Army in 1967 and served in Vietnam from 1968-1969; and

WHEREAS, on April 10, 1975, he accepted the promotion to Fire Chief, to become only the 3rd Fire Chief in the history of the Mt. Zion Fire District; and

WHEREAS, in 1981 Chief Wright accepted the first full-time position with the Mt. Zion Fire District in which he carries out the daily duties of running the fire department; and

WHEREAS, Chief Wright received the Fire Department Medal of Valor for distinguishing himself in the line of duty on October 9, 1992, at a natural gas pipeline explosion and fire on U.S. 51 south of Elvira; and

WHEREAS, Chief Wright is an active member of the Central Illinois Fire Chiefs Association; and

WHEREAS, April 10, 2000, will mark Chief Wright's 25th year as Chief of the Mt. Zion Fire District;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 10, 2000, as DONALD WRIGHT DAY in Illinois.

Issued by the Governor March 29, 2000.

Filed by the Secretary of State April 4, 2000.

2000-181 EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services for Children (EMSC) recognizes that children have unique physiological responses to illness and injury; and

WHEREAS, EMSC promotes a specialized approach to pediatric care; and pediatric emergency medical services system strives to integrate

WHEREAS, in Illinois there are more than 155,000 nurses, 31,000 physicians, 25,000 emergency medical technicians (EMTs)-basic, 480 EMTs-paramedic and 2,600 EMTs-intermediate, 9,116 EMRs-paramedic and 230 hospitals dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and

WHEREAS, Illinois champions the nation's EMSC commitment to reduce childhood morbidity and mortality associated with severe illnesses and trauma;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 17, 2000, as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois.

Issued by the Governor March 29, 2000.

Filed by the Secretary of State April 4, 2000.

2000-182

EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) basic, coal miner, intermediate and paramedic field nurses, emergency communication nurses, trauma specialists, emergency dispatchers and first responders who are dedicated to saving lives; and

WHEREAS, in Illinois there are more than 61 EMS resource hospitals, 66 trauma centers, and more than 250,000 EMTs-B, 480 EMS-C, 2,610 EMT-I and 9,116 EMTs-P selflessly providing 24-hour service to the people of Illinois; and

WHEREAS, this year's national theme, "EMS New Century, New Hope," underscores both the challenges and opportunities facing EMS personnel as they enter a new millennium of service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 14-20, 2000, as EMERGENCY MEDICAL SERVICES WEEK in Illinois.

Issued by the Governor March 29, 2000.

Filed by the Secretary of State April 4, 2000.

2000-163

MOTHER OF THE YEAR DAY

WHEREAS, Mrs. Robert Mau (Dorothy "Dot") has been named 2000 Illinois Mother of the Year by the Illinois Association American Mothers, Inc.; and WHEREAS, she was raised on a farm near Williamsburg, Illinois, one of eight children. She and her husband have four children and nine grandchildren. She is the daughter of John and Lillie Erlenback Cravens (now deceased); and

WHEREAS, Mrs. Mau graduated from American Hill Grade School, (a one room school house), Williamsburg Township High School and Brown's Business College; and

WHEREAS, Dorothy "Dot" Mau is a member of St. John's Lutheran Church in Chatham, is a charter member and past president of Chatham Junior Woman's Club, Chatham Women's Club and Chatham County Club; and

WHEREAS, Dorothy "Dot" Mau was employed as secretary to the Superintendent of Schools, Ball-Chatham School District for 14 years and as Secretary at the Department of Agriculture for six years; and

WHEREAS, in order to provide an appropriate occasion for honoring the Illinois State Mother of the Year, as well as all the mothers in our State, it is a pleasure to all upon the citizens to observe this day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3, 2000, as MOTHER OF THE YEAR DAY in Illinois.

Issued by the Governor March 29, 2000.

Filed by the Secretary of State April 4, 2000.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and issue number. For example, 50 ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "P" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217/782-4414 or icrcate.sos.state.il.us (internet address).

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